

Boeing Company
Santa Susana Field Laboratory
(NPDES NO. CA0001309)

RESPONSE TO COMMENTS

Response to Comments

The Boeing Company
 Santa Susana Field Laboratory
 Tentative Order No. R4-2015-XXXX
 NPDES Permit No. CA0001309, CI No. 6027

#	Comment Summary	Response	Action Taken
The Boeing Company – Letter dated January 8, 2015			
1	<p>The Tentative WDR Appropriately Provides that Treated Groundwater Discharges be Permitted Only After the California Department of Fish and Wildlife (CDFW) Has Provided Approvals.</p> <p>Outfall 020 will be located downstream and down gradient from Outfall 002, and water from this outfall will flow into the drainage that leads to Bell Creek. Boeing fully supports the inclusion of this provision in the Tentative WDR.</p> <p>Boeing agrees that it is appropriate for CDFW to evaluate Boeing's discharges of treated groundwater from these two outfalls. We share the goal of protecting natural resources and preventing the potential growth of invasive species that may have a negative impact on the waterways and native plants and animals. Boeing is currently working with CDFW to ensure that all required approvals are secured. Boeing requests that a footnote be added providing that the Average Monthly Effluent Limitations in Table 4b of the Tentative WDR apply only when a continuous discharge during a reporting month occurs.</p>	<p>Treated groundwater is a wastewater that may be discharged on a continuous basis. The Regional Water Board routinely includes daily maximum effluent limitations for stormwater only discharges and monthly average effluent limitations for wastewater discharges. Since the treated groundwater is a wastewater and there is the potential to discharge treated groundwater multiple days a month, the average monthly effluent limits in the permit apply. The average monthly effluent limits apply even when there is not a continuous discharge during a reporting month. Thus the commenter's requested footnote is not correct.</p>	None
2	The Tentative WDR Should Allow for the Use	California is currently encountering one of the most	None.

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	<p>of Treated Groundwater for Dust Suppression And Irrigation Purposes.</p> <p>If treated groundwater meeting the effluent limits set forth in the Tentative WDR was instead put to this use, then the Calleguas Municipal Water District would have additional water available for other users. Boeing requests that the Tentative WDR be revised to allow for treated groundwater to be used on-site for dust suppression purposes and irrigation of native plants associated with BMPs.</p>	<p>severe droughts in history. Any opportunity to use less water from Calleguas Municipal Water District and to provide reuse of the wastewater is also an opportunity to preserve the drinking water supply that is available in Southern California. However, this permit does not allow for the use of the treated groundwater for dust suppression and irrigation purposes. Potential reuse of the treated groundwater will require a separate permit. On June 3, 2014, the State Water Resource Control Board adopted General Waste Discharge Requirements for recycled water use (Order WQ-2014-0090-DWQ). If Boeing's proposed reuse of treated groundwater qualifies for enrollment under Order WQ-2014-0090-DWQ, that permit would be more appropriate for Boeing.</p>	
3	<p>The Tentative WDR should not Require that a Sitewide Stormwater Pollution Prevention Plan Be Prepared.</p> <p>At present, the only activities that are occurring at Santa Susana are construction, demolition and cleanup activities, for which specific Stormwater Pollution Prevention Plans ("SWPPPs") are prepared and implemented. Boeing requests that the Tentative WDR be revised to require that SWPPPs continue to be prepared for the specific activities conducted at the Site as required by law, but to eliminate the requirement for a sitewide SWPPP. Boeing will continue to evaluate the BMPs that have been installed to improve water quality and compliance at the outfalls, and to design and implement upgrades to these BMPs</p>	<p>A sitewide SWPPP is required to ensure that all current and planned operations at the site have been evaluated to determine their potential for releasing elevated levels of pollutants that may adversely impact the receiving waters. This information must be used to develop and implement best management practices to ensure that pollutants associated with the specified area or activity are kept in that area. The sitewide SWPPP may be required to be upgraded based on the site specific activities and the BMPs that are evaluated and implemented.</p> <p>Specific cleanup, demolition, or construction activities that are planned for the site may require a separate permitting action and a separate SWPPP. Those activity specific plans may also be included in</p>	None

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	as necessary, on an annual basis. These actions, combined with the continued implementation of specific SWPPPs that fully address those activities that would be covered by a sitewide SWPPP, will assure that the pollution prevention objectives of a sitewide SWPPP will continue to be met.	the sitewide SWPPP as an update as necessary.	
4	<p>The Tentative WDR Should Establish Monitoring Requirements that Fully Consider the Provisions of Water Code Section 13267 and Reflect Site Conditions.</p> <p>Data collected since 2004 from over 100 rain events and more than 300 samples demonstrate that there are a number of constituents that have never been detected in stormwater discharges from Santa Susana over the last 10 years. Exhibit A (attached) provides a list of these constituents. Boeing requests that the Tentative WDR be revised to provide that no monitoring is required for these constituents until soil removal activities under the direction of DTSC are implemented.....</p> <p>The burden in the form of continued monitoring and reporting costs associated with monitoring analytes that have never been detected at the Site clearly far outweigh any benefit from continuing any monitoring for these constituents under existing sit conditions.....</p> <p>Boeing proposes to monitor the stormwater discharged at the outfall(s) serving the watershed(s) where the work is done for those analytes identified by DTSC as constituents of concern in soil.</p>	<p>Attachment E of the permit notes that the monitoring and reporting requirements in the permit implement federal and California laws and/or regulations, including Clean Water Act section 308, sections 122.41(h), (j)-(l), 122.44(i), and 122.48 of title 40 of the Code of Federal Regulations, and California Water Code sections 13267 and 13383. Thus, the monitoring requirements in the permit are not limited to a consideration of California Water Code section 13267. Notably, California Water Code section 13383 does not require a consideration of the burden and benefit of monitoring requirements.</p> <p>In addition, the California Department of Toxic Substance Control (DTSC) is currently overseeing a Resource Conservation and Recovery Act (RCRA) assessment of the facility to determine the areas that have contamination as a result of historical activities. Those historical activities have resulted in a groundwater plume that is contaminated with TCE (trichloroethylene) and its decomposition products, areas with elevated concentrations of metals, dioxins (TCDD equivalents), and radionuclides. In some cases, these pollutants are located near the surface. But in other cases, the RCRA assessment</p>	None

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		<p>indicates these pollutants are located in deeper soils (in excess of 3 feet).</p> <p>The contamination that is being mobilized by stormwater runoff is in the surface soils. The stormwater data that has yielded non-detect for many of these pollutants indicates that they are not present in the discharge or that the best management practices in place are effectively removing them. The cleanup will not only address surface contamination (0-3 feet), but subsurface (>3 feet) contamination as well. Excavation activities will expose subsurface contamination that was previously not in an area where stormwater could transport it to the monitoring locations. It is important that the monitoring is in place to address any changes in the amount of pollutants discharged.</p> <p>Irrespective of being historically non-detect, all priority pollutants are required to be monitored yearly. The collected monitoring data is necessary to complete the reasonable potential analysis during the next permit renewal process.</p> <p>Further, allowing Boeing to determine when the pollutants are monitored depending on the activities provides many opportunities for pollutants to be discharged and not assessed. Considerable effort has been put into determining the path of stormwater runoff, but changes during the clean-up, and the re-stabilization process may change the flow patterns and result in pollutants being directed to outfalls that are not being monitored if the current</p>	

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		monitoring protocol is modified. Hence, the Regional Board finds that the monitoring strategy outlined in the permit provides the best method for evaluating the pollutants present in the discharges from the facility.	
5	<p>The Regional Board Should Consider the Duration of Discharge Events in Establishing Effluent Limitations for Chronic Criteria.</p> <p>Boeing requests that the Tentative WDR be revised to recognize that chronic toxicity tests are not appropriate for infrequent and short-lived discharges. For discharges shorter than seven (7) days in duration, Boeing requests that the acute toxicity limitations in the 2010 WDR be retained.</p>	<p>The Basin Plan for the Los Angeles Region specifies a narrative objective for toxicity, requiring that all waters be maintained free of toxic substances in concentrations that are lethal to or produce other detrimental responses by aquatic organisms. Detrimental response includes, but is not limited to, decreased growth rate, decreased reproductive success of resident or indicator species, and/or significant alterations in population, community ecology, or receiving water biota. In accordance with the Basin Plan, the acute toxicity objective for discharges dictates that the average survival in undiluted effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test having less than 70% survival. Boeing's 2010 permit, Order No. R4-2010-0090, contains acute toxicity limitations based on the acute toxicity objective in the Basin Plan.</p> <p>Chronic toxicity is a more stringent requirement than acute toxicity. A chemical at a low concentration can have chronic effects but no acute effects. This Order establishes a chronic toxicity effluent limitation using USEPA's 2010 Test of Significant Toxicity (TST) hypothesis testing approach. Chronic toxicity limitations are expressed as "Pass"</p>	None

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		or “Fail” and “% Effect” for maximum daily single result. Since the discharge is intermittent, no average monthly effluent limitation for the chronic toxicity is prescribed for stormwater only discharges. However, treated groundwater from Outfalls 019 and 020 are expected to discharge intermittently. Hence, at these locations, an average monthly limit is included for chronic toxicity. The chronic toxicity effluent limitations in this Order are as stringent as necessary to protect the Basin Plan water quality objective for chronic toxicity.	
6	<p>Chronic toxicity tests should only be required when a continuous discharge of seven days or longer occurs.</p> <p>Boeing requests that the Tentative WDR be revised to recognize that chronic toxicity tests are not appropriate for infrequent or short-lived discharges. For discharges shorter than seven (7) days in duration, Boeing requests that the acute toxicity limitations of the 2010 WDR be retained.</p> <p>Treated groundwater discharges, while occurring more regularly, may also last for fewer than seven days. As such, these discharges of less than seven days do not have the potential to result in chronic exposures, and chronic toxicity tests are an inappropriate and ecologically irrelevant metric.</p>	<p>This Order must include effluent limitations that will achieve and maintain compliance with water quality standards in Bell Creek and Arroyo Simi. The Basin Plan includes a narrative water quality standard for toxicity that requires all surface water to “be maintained free of toxic substances in concentrations that are toxic.” Effluent limitations in this Order must ensure that the discharge will not cause or contribute to a violation of this standard.</p> <p>The numeric effluent limitation for chronic toxicity in this Order employs the TST. The TST is recommended by the most recent USEPA guidance (National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document (June 2010)) as an appropriate and preferred test for chronic toxicity. The USEPA, this Regional Water Board, and other regional water boards are using the TST to determine compliance with numeric effluent limitations for toxicity.</p> <p>“The median monthly effluent limitation (MMEL)</p>	None

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		shall be reported as “Pass” or “Fail”. The maximum daily effluent limitation (MDEL) shall be reported as “Pass” or “Fail” and “% Effect.” The MMEL for chronic toxicity shall only apply when there is a discharge more than one day in a calendar month period. During calendar months when discharges occur on multiple days, no more than three independent toxicity tests will be used to evaluate the MMEL when one toxicity test results in “Fail”.	
7	<p>Additionally, in this case the Regional Board proposes that the TST statistical approach be used to analyze whole effluent toxicity (“WET”) test data. However, WET tests evaluate the response of organisms exposed to effluent for long durations – typically seven to eight days – and as noted above, many of the discharges from the Site’s outfalls are intermittent, infrequent, and will typically last for fewer than seven days.</p> <p>For this reason Boeing requests that a footnote be added to the tables of effluent limitations in the Tentative WDR and the WDR Fact Sheet specifying that chronic toxicity tests for all outfalls must only be performed when a continuous discharge of seven (7) days or longer occurs at the relevant outfall. For discharges shorter than seven (7) days in duration, Boeing requests that the acute toxicity limitations of the current permit be retained.</p>	<p>See response to comment 6 above.</p> <p>The seven days referenced for WET tests is the exposure time to the receptors during the chronic test, not the duration of the discharge event. The stormwater discharge may occur over a short period of time but down the drainage ways are numerous low spots that provide opportunities for ponding and for the receptors to receive extended exposure to the discharge.</p> <p>The protocol as it appears in the Order accurately describes the analysis required.</p> <p>The acute toxicity limitation included in the 2010 permit to account for acute effects was not included in this Order because the chronic toxicity limitation included is more stringent. The maximum daily effluent limit for chronic toxicity is intended to protect the aquatic life beneficial uses from survival and sublethal effects. This approach would be protective of both acute and chronic effects.</p>	None
8	Effluent limitations for cadmium, copper, lead, and nickel should account for the duration of the	Effluent limits for cadmium, copper, lead, and nickel for all discharge outfalls are either based on TMDL	None

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	<p>discharge event.</p> <p>As discussed above, effluent limitations must be developed in recognition of the frequency, magnitude, and duration of a discharge. Indeed, for chronic criteria, EPA recommends an averaging period of four days, stating that it is "based on the shortest duration in which chronic effects are sometimes observed..." (EPA, Technical Support Document for Water Quality-Based Toxics Control, EPA/505/2-90-001, at 35.) In other words, chronic water quality criteria assume an exposure duration that is longer than acute criteria.</p> <p>The CTR criteria table in 40 C.F.R. § 131.38(b)(1) specifies that chronic CTR criteria (i.e., Criteria Continuous Concentrations ("CCC")) "equals the highest concentration of a pollutant to which aquatic life can be exposed for an extended period of time (4 days) without deleterious effects." (EPA, "Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; Rule", 65 Fed. Reg. 31711, 31716, noted (May 20, 2000) (emphasis added). The list of pollutants to which this statement applies includes, but is not limited to, cadmium, copper, lead, and nickel. For these pollutants, chronic criteria should not be applied to discharges that last for time periods shorter than the chronic exposure period.</p> <p>Our analysis indicates that the Tentative WDR's effluent limitations for cadmium, copper, lead, and</p>	<p>wasteload allocations, effluent limits in Order no. R4-2010-0090, and CTR values. The method for determining the effluent limitation is documented in the State Implementation Policy (SIP). As has been done in permits issued since the year 2000, the protocol outlined in the SIP was used to determine the effluent limits included in the permit. The Regional Water Board also includes only daily maximum effluent limits for discharges of stormwater runoff only since storm events occur in the region infrequently. The limits as developed are reflective of the Board's current protocol. Implementing the commenter's suggested procedure would also result in less stringent effluent limits than those included in Order no. R4-2010-0090, which could result in backsliding.</p> <p>Again, the length of time of the discharge does not necessarily limit the length of the time of exposure of the receptor to the discharge. Ponding of the water in low areas along the drainage could result in exposures that last a number of days after termination of the discharge. The chronic test provides more information regarding the potential effects of both the short term and long term exposures.</p>	

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	nickel are based on chronic toxicity values. Because the discharges at the Site are typically short-lived, Boeing requests that the effluent limitations for these parameters be adjusted to reflect whether such discharges are short-lived or longer-lived. Accordingly, Boeing believes that there should be two separate effluent limitations for these metals in the WDR: one would be an MDEL that is based on the acute criteria for discharges of less than four (4) days; and the second would be an MDEL that is based on chronic criteria that would apply only to discharges of four days or more. Boeing's calculations of appropriate limits for these pollutants – which we request the Regional board incorporate into the final WDR – are shown in the table on the following page:		
9	<p>The Interim Waste Load Allocations for Pollutants in Sediment in the 2010 WDR Should Be Extended to the Tentative WDR.</p> <p>The 2010 WDR establishes the interim ambient Waste Load Allocations ("WLAs") for pollutants in sediment (i.e., chlordane; 4,4-DDD; 4,4-DDE; 4,4-DDT; dieldrin; PCBs; and, toxaphene) from the TMDL for organochlorine (OC) pesticides, polychlorinated biphenyls (PCBs) and siltation in Calleguas Creek and its tributaries ("Calleguas Creek TMDL", Resolution No. R4-2005-010) as sediment limitations applicable in receiving water downstream of Santa Susana. (2010 WDR, at 29.) However, the Tentative WDR would rescind these sediment limitations and require Boeing to comply with the final WLAs in the Calleguas Creek TMDL.</p>	<p>The Calleguas Creek OC Pesticides & PCBs TMDL includes provisions for an implementation schedule of up to 20 years. Any TMDL-based compliance schedule in a NPDES permit must be justified and be as short as possible pursuant to the State Water Board's Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits.</p> <p>Interim ambient receiving water sediment limitations were included in Order No. R4-2010-0090 since there was no data available to evaluate the Discharger's ability to comply with the sediment limitations. Data collected during the tenure of Order No. R4-2010-0090 during seven sampling events yielded non-detects for all of the targeted constituents except 4,4'-DDE, which was detected</p>	None

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	<p>As the Tentative WDR states, "[t]he Discharger shall comply with the final receiving water sediment limitations [in the Calleguas Creek TMDL]...The Discharger is required to use analytical methods with detection values below the specified limits, if possible, to demonstrate compliance." (Tentative WDR, at 19.)</p> <p>Boeing believes that the final WLAs are not appropriately included in the Tentative WDR, and that the interim WLAs should be extended as the sediment limitations for the receiving waters downstream of Santa Susana. First, the implementation schedule for the Resolution approving the Calleguas Creek TMDL (i.e., No. R4-2005-010) authorizes the Regional Board to utilize interim sediment limitations through March 24, 2026. There is nothing preventing the Regional Board from continuing to apply the interim WLAs as the sediment limitations in Boeing's WDR for Santa Susana.</p> <p>Additionally, the 2010 WDR states that "[t]he final WLAs must be achieved and become sediment limitations <i>after</i> the sampling indicates that the Discharger is able to comply with the final WLAs <i>or</i> at the end of the 20-year compliance schedule specified in the TMDL (March 24, 2026), whichever occurs first." Neither of these pre-conditions for converting the final WLAs into Boeing's sediment limitations has occurred.</p>	<p>during one sampling event. The detected concentration of 4,4'-DDE (0.0022 µg/g) did not exceed the interim ambient receiving water limit (0.17 µg/g) . The data collected to date does not indicate that the Discharger is unable to consistently comply with the final limitations. Since the data is largely non-detect at the minimum level, compliance with the final effluent limits cannot be determined.</p> <p>Since the data does not indicate that Boeing will be unable to consistently comply with the final limits, the Regional Board has included them and indicated that they become effective on the effective date of the permit. If the Discharger can fulfill the requirements of the State Water Board's Compliance Schedule Policy and demonstrate to the Regional Board an inability to immediately comply with the final limits, the Regional Board could reopen the permit at a later date to provide a compliance schedule in the permit. Alternatively, the Discharger could request a time schedule order be issued by the Regional Board.</p>	
10	The Tentative WDR Inappropriately Continues to Impose Requirements for E. Coli and Fecal	The requirement to monitor fecal coliform has been removed. The requirement to monitor E. coli	Monitoring for Fecal

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	<p>Coliform.</p> <p>The Tentative WDR continues to include discussion of receiving waters' limits for <i>E. coli</i> and fecal coliform and includes those COCs in Boeing's monitoring requirements. (See, e.g., Tentative WDR, Section V. A.3 at 17, and Attachment E - MRP, at E-9.) The Tentative WDR does not establish effluent limits for <i>E. coli</i> or fecal coliform. (Id., at 7-16, Tables 4a, 4b, 4c, and 4d.)</p> <p>For the reasons we discuss below, monitoring requirements for <i>E. coli</i> and fecal coliform are inappropriate for Santa Susana. If the Regional Board determines that monitoring is appropriate and required, it should amend the Tentative WDR to require only monitoring for <i>E. coli</i> at locations under Boeing's control.</p>	remains appropriate, as discussed below.	coliform deleted
11	<p>There is no basis for imposing bacterial monitoring requirements at Santa Susana.</p> <p>The Regional Board provides no basis for assuming that there is "reasonable potential" for stormwater runoff from Santa Susana to be a significant source of indicator bacteria at levels that exceed Basin Plan objectives. In fact, the Regional Board has stated in the Final Los Angeles River Bacteria TMDL that it does not believe that Santa Susana is a significant source of bacteria.</p> <p>There are no facts that would establish that industrial sources at Santa Susana are a significant source of indicator bacteria at levels that exceed</p>	<p>Since Santa Susana is on top of the mountain and stormwater runoff flows from the mountain top to Bell Creek, Dayton Canyon Creek, and Arroyo Simi, receiving water exceedances of bacteria (<i>E. coli</i>) may be associated with discharges from the facility. Monitoring discharges for <i>E. coli</i> will provide the basis to determine if exceedances of that constituent detected in the receiving water are associated with discharges from the Santa Susana Field Laboratory.</p> <p>Boeing does store water for extended periods of time in onsite ponds. These ponds become resources for wildlife in the area. The wildlife activities may result in elevated concentrations of</p>	None

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	<p>Basin Plan objectives. Because Boeing collects sanitary waste and transports it from Santa Susana to an offsite POTW for treatment and disposal, there is no indication that human waste generated at the Site will be exposed to or enter stormwater runoff.</p> <p>To the extent that bacteria may be detected in waters receiving stormwater discharges from Santa Susana, it is highly likely that they would originate from natural sources. A number of studies show that non-human sources, such as birds and wildlife, contribute to the presence of bacteria in stormwater runoff.</p>	E.coli in the discharges from the site. Therefore, monitoring for E.coli is required.	
12	If the Regional Board determines that the Tentative WDR must regulate bacteria, it should do so only by imposing monitoring requirements for E. coli at onsite locations under Boeing's control.	The Regional Board is aware that the receiving waters may receive other discharges in addition to the discharges from SSFL. Therefore, the permit requires the Discharger to monitor discharges from the site from all discharge outfalls for E. coli. However, since it is a receiving water criterion, the Discharger is also required to monitor RSW-001 and RSW-002 for E.coli as well.	Monitoring of E.coli only
13	<p>The tentative WDR should regulate only E.coli, not fecal coliform.</p> <p>Monitoring requirements for fecal coliform should not be included in the Tentative WDR. Fecal coliform is an ineffective indicator of human health risk. Numerous studies have found that concentrations of fecal coliform in water are not associated with health risks, and that fecal coliform objectives should be abandoned in favor of alternative indicators of water quality. Consistent with these studies and EPA</p>	The Regional Board agrees. The requirement to monitor fecal coliform has been removed.	Monitoring of fecal coliform was removed

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	guidance, the Regional Board amended the Basin Plan to remove fecal coliform objectives for freshwater and, in so doing, stated that such removal "will result in a removal of the associated monitoring and reporting requirements from Regional Board orders ... " (Regional Board, Resolution No. R10-005, at 4 (July 8, 2010).10.) Thus, to the extent the Tentative WDR regulates bacteria, it should only require monitoring of <i>E. coli</i> .		
14	Any monitoring of bacteria should only be required at onsite locations under Boeing's control, and should not be duplicative. As currently written, the Tentative WDR imposes bacteria monitoring requirements at a location outside the boundaries of Santa Susana and outside of Boeing's control, where stormwater runoff is received from multiple sources and land use types. Specifically, monitoring location RSW-002 (Frontier Park) is located in the Arroyo Simi downstream of Santa Susana, and downstream of a concrete-lined channel section.	Bacteria is a receiving water criterion. The criteria is developed to protect the water contact and non-contact water recreation beneficial uses. Therefore, compliance with the criteria is demonstrated in the receiving water and receiving water monitoring is required.	None
15	<u>Removal of technology-based effluent limits.</u> The Tentative WDR includes technology-based effluent limitations for TSS, BOD, oil and grease, settleable solids, and sulfides in Section IV.B.2 (page F-22) and Tables F-4 and F-4a (page F-23). However, these limits are appropriate for discharges from wastewater treatment plants, and Boeing no longer has any such discharges. Boeing requests that the effluent limits for these constituents be deleted from the WDR.	The intent of a technology-based effluent limitation is to require a minimum level of treatment for the discharge based on currently available treatment technologies, while allowing the Discharger to use any control technique to meet the limitation. Similar industrial and tank farm facilities in the Region are currently treating or required to treat their stormwater discharges to remove solids, oil and grease, conventional, and other pollutants before discharge to receiving waters. Much of the work	None

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		<p>completed by the Storm Water Expert Panel addresses the assertion that metals are transported offsite on sediment. Hence, increases in the sediment including settleable solids, and TSS that are discharged coincide with increases in the concentrations of metals present in the discharge. Based on the Regional Board's best professional judgment (BPJ), the limits are technically achievable economically feasible, and are necessary to protect receiving water quality.</p> <p>US EPA issued a document entitled Quality Criteria for Water 1986 ("Gold Book") pursuant to Clean Water Act section 304(a)(1) (33 U.S.C. § 1314(a)(1)). Included in the Gold Book is an assessment of solids (suspended, settleable) and turbidity. It stipulates elevated levels of suspended solids also increase the turbidity of the water. Turbid water interferes with recreational use and with aesthetic enjoyment of the water body. The effects of elevated suspended solids as documented in the rationale included in the Gold Book included a study¹ where downstream from the discharge of a rock quarry, where inert suspended solids were increased to 80 mg/L, the density of microinvertebrates decreased by 60 percent while in areas of sediment accumulation benthic invertebrate populations also decreased by 60 percent regardless of the suspended solid concentration. Increases in stream suspended</p>	

¹ Gammon, J. R., 1970. The effect of inorganic sediment on stream biota. Environmental Protection Agency. Water Poll. Cont. Res. Series, 18050 DWC 12/70, USGPO, Washington, D. C.

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		<p>solids caused smothering of bottom invertebrates.</p> <p>Suspended sediments limit the passage of sunlight into waters, which in turn inhibits the growth of aquatic life. Excessive deposition of sediments can destroy spawning habitat blanket benthic (bottom dwelling) organisms, and abrade the gills of larval.</p> <p>The effects of suspended solids on fish have been reviewed by the European Inland Fisheries Advisory Commission. This review identified four effects on the fish and fish food populations, namely:</p> <ol style="list-style-type: none">1. by acting directly on the fish swimming in water in which solids are suspended, and either killing them or reducing their growth rate, resistance to disease etc.;2. by preventing the successful development of fish eggs and larvae;3. by modifying natural movements and migration of fish;4. by reducing the abundance of food available to the fish. <p>In conclusion, based on the Regional Board's best professional judgment, the specified TSS limitation will protect the receiving water, is consistent with the TSS limitation included in other NPDES permits issued in the Region, and is technically achievable. Hence, the TSS limitations are included in the permit to protect the beneficial uses of both Bell Creek and Arroyo Simi.</p>	

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		<p>Oil and grease is any material recovered as a substance soluble in trichlorotrifluoroethane. It includes sulfur compounds, certain organic dyes, and chlorophyll. Oil and grease is comprised primarily of fatty matter from animal and vegetable sources and hydrocarbon of petroleum origin.</p> <p>Bell Creek and Arroyo Simi include designated beneficial uses of wildlife habitat and rare threatened and endangered species habitat. The intermittent beneficial uses include groundwater recharge, contact and non-contact recreation, warm freshwater habitat, freshwater replenishment, industrial process supply, and potential municipal and domestic supply.</p> <p>The presence of settleable solids can adversely affect the beneficial uses irrespective of the categorical source.</p> <p>The effluent limitation for settleable solids was established in Order No. R4-2010-0090 and continues to be included in this permit. In issuing Order No. R4-2010-0090, the Regional Water Board appropriately considered the treatment technology of settling. The Fact Sheet reflects that the effluent limitation for settleable solids is based on the historical BPJ- based effluent limitation in Order No. R4-2010-0090 and remains applicable to the Facility. In addition, because this effluent limitation is not new to the Facility and has been applicable for over 5 years, this limitation does not require changes in operation or additional costs or</p>	

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		equipment than previously required, and the previous determination that the requirements of 40 CFR § 125.3(d) have been met remain applicable. Further, removal of this limit would constitute backsliding under Clean Water Act § 402(o) and 40 CFR § 122.44(l). An exception to the backsliding provisions is not justified unless certain conditions are met. At this time, the Regional Water Board has found no basis to allow for backsliding of the settleable solids effluent limit. In consideration of receiving water impairment caused by pollutants, which are likely to adhere to settleable solids, it is especially important that the existing limits are retained.	
16	Table 4d. Effluent Limitations -- Outfall 008. Please add superscript "7" to the 0.19 value for cadmium.	Subscript will be added.	Footnote reference added.
17	Section V. C. Consistent with the WDRs issued to other dischargers, and to the extent that the Regional Board includes only the final WLAs as sediment limitations in Boeing's WDR, please revise the text on page 19 to read: "Attainment of the final limitations is determined by evaluating the in-stream annual averages of the constituents below near Frontier Park, a tributary to Arroyo Simi. The Discharger is required to use analytical methods with detection values below the specified limits, if feasible, to demonstrate attainment."	Language changed as proposed	Modified language
18	Section VI.C.3.a.ii, last sentence. Please confirm that this sentence applies to all three Plans and not just to the BMP Plan.	Requirements apply to all three plans. No changes required.	None

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19	Section VI.C.3.a.iii, first full paragraph. Please confirm that this paragraph applies to all three Plans and not just to the Spill Contingency Plan.	Requirements apply to all three plans. No changes required.	None
20	Section VII.H, entire section. Please revise the section to be consistent with Section V.A.1.:If the receiving water pH falls below 6.5 or exceeds 8.5 pH units as a result of a. high or low pH in the off-site stormwater, or b. elevated or depressed pH in the receiving water upstream of the discharge then the exceedance shall not be considered a violation.	<p>The water quality objective for pH that is included in the Basin plan is “The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges. Ambient pH levels shall not be changed more than 0.5 units from natural conditions.” The limit included in V.A.1 reflects that objective but the words “as a result of waste discharge” will be added to the end of the statement.</p> <p>The information in VII.H provides an explanation to assist with compliance determination. No change is required.</p>	Text in Section V.A.1. modified as per response.
21	Section VII.N. Consistent with the WDRs issued to other dischargers, please revise the text on page 31 to read: "Attainment of sediment limitations in the receiving water for the constituents listed In section V.C above will be determined by calculating the in-stream annual average at the base of the subwatershed where the discharges are located."	Language changed as proposed.	Modified language
22	<u>Attachment E MRP</u> Table E-1. Monitoring Station Locations, RSW-001. The current text in the Monitoring Location Description implies that all sampling requirements are satisfied by priority pollutant sampling analysis once every 5 years.	The reference to priority pollutants has been deleted. The footnote reads “Receiving water sampling requirements are satisfied by sampling from EFF-001, EFF-002, EFF-011, or EFF-018.”	Table E-1 has been updated as noted.
23	Table E-3a lists additional sampling requirements at higher frequencies. The text of Table E-1 should be revised to read as follows:	The change requested has been implemented. See Response to Comment #22 above.	Table E-1 has been updated as

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	Receiving water sampling requirements are satisfied by sampling from EFF-001, EFF-002, EFF-011, or EFF018.		noted.
24	Table E-1. Monitoring Station Locations, RSW-002. The current text in the Monitoring Location Description states that RSW-002 is downstream of the discharge point into Arroyo Simi. Page F-59 (Section VI.E.1) states that RSW002 (Frontier Park) is upstream of the discharge point into Arroyo Simi. Please correct page F-59.	Correction made as suggested.	The language was revised
25	As stated in the Tentative WDR, compliance with the effluent limits is based on an annual average of the sample results for each outfall (determined at each sampling point). Compliance will be determined based on an average of all samples collected throughout the calendar year and reported in the annual report.	Compliance with the receiving water sediment effluent limits will be determined using instream annual average. The sediment sampling is completed at RSW-002. Compliance with numeric daily maximum effluent limits associated with stormwater discharges is determined based on each sample collected at either of the stormwater only outfalls for most of the pollutants. Compliance with the effluent limits established based on the maximum contaminant levels (MCLs) for radioactivity will be determined based on the annual average of the concentrations reported for the specific contaminant at each outfall.	None
26	For clarity, please revise footnote 7 as follows: If gross beta >50 pCi/L (after subtracting K-40 activity) gamma isotopic analysis must be performed for Cs-137 (the most likely <u>beta/gamma</u> emitter associated with the site). The sum of the fractions technique must be used to demonstrate that the beta/gamma emitters don't exceed 4 mrem/year. The sum of the fractions must include H-3 and Sr-90. If the limit is exceeded, which is an	The Regional Board agrees that Cs-137 is a beta/gamma emitter. The proposed change will be made. The Regional Board will also clarify the text regarding sampling at a location when an elevated concentration has been detected. The text regarding compliance will be clarified to read "If during a discharge event, the annual average limit is exceeded, the monitoring frequency at the outfall is increased to once per discharge until four	Noted changes have been made

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	annual average, the frequency of the sampling is increased to once per discharge event until the annual average is below the specified limit. If analyses of these constituents, during a single discharge, indicates an exceedance of the annual average effluent limitation (determined at each sampling point), then subsequent discharge results (at that same sampling point) will be averaged to demonstrate compliance with the average annual limit	consecutive analysis during the 12-month period demonstrates compliance with the annual average limit for that pollutant. If during the 12-month period, the average of the data exceeds the limit, then the Discharger is in violation of the limit".	
27	Tables E-2a, 2b, and 2c, footnote 9: Please add "and Outfall 020" after "the monitoring frequency must be increased from monthly to weekly at Outfall 019".	Correction made as suggested	Modified language
28	Table E-2c: The footnote reference for TPH analysis for Outfalls 019 and 020 should be changed from "14" to "13".	Correction made as suggested.	Modified language
29	Tables E-2a, 2b, and 2c, footnote 15: Please revise this footnote to delete the language after the first sentence.	Correction made as suggested.	Modified language
30	Section V.A.8.a. This paragraph states that the <u>Detailed</u> TRE Work Plan is due within 90 days of the effective date of this Order. Page E-18, Section V.A.7 and page E-30, Section XII.D.2 state that the <u>Initial</u> TRE Work Plan is due within 90 days of the effective date of this Order. The sentence in V.A.8.a goes on to say "revised as appropriate for this toxicity event." Therefore, it is assumed that a Detailed TRE Work Plan is due within 90 days of a triggering toxicity event per Section V.A.6. Please change the paragraph as follows: Preparation and Implementation of Detailed TRE	The detailed TRE Work Plan is due within 30 days of the toxicity event. Since toxicity is sometimes episodic the 90 day period to develop the detailed TRE Work Plan is too long.	Modified language to reflect 30 days to submit the detailed TRE Work Plan after the toxicity event.

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	Work Plan. Per the conditions specified in Section V.A.6, the Discharger shall immediately initiate a TRE using - according to the type of treatment facility - EPA manual Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants (EPA/833/B-99/002, 1999) or EPA manual Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070, 1989). Within 90 days of the triggering toxicity event, the Discharger shall submit to the Regional Water Board Executive Officer a Detailed TRE Work Plan which shall follow the generic Initial Investigation TRE Work Plan revised as appropriate for this toxicity event.		
31	Table E-3a. Receiving Water Monitoring Requirements - RSW-001 and RSW-002. Footnote 2 (pH, hardness, priority pollutants) does not apply to TSS. Please delete reference to footnote 2 in the Required Analytical Test Method column.	Deleted footnote 2 for TSS.	Deleted footnote 2 from TSS.
32	Table E-3a. Receiving Water Monitoring Requirements - RSW-001 and RSW-002. The language in Footnote 2 states that pH, hardness, and priority pollutants " <u>must</u> " be collected in the receiving water as the effluent samples (from Outfall 009). Grab samples are required to be collected within the first hour of discharge (or the first hour when collecting the sample is deemed safe). Boeing estimates that flow from Outfall 009 could take 8 hours to reach sample location RSW-002. Please delete this footnote.	<p>The goal is to evaluate the impacts that the discharge has on the receiving water. However, since the receiving water monitoring location is about 2 miles from the facility, it is unlikely that it will take 8 hours for discharges to reach it, unless the amount discharged is very small.</p> <p>Footnote 2 will be modified to read "Receiving water samples for pH, hardness,...must be collected during the same day as the sampling event for the effluent samples."</p>	Modified footnote language
33	Footnote 5, Table E-3a. Receiving Water	Footnote modified as suggested	Modified

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#	Comment Summary	Response	Action Taken
	Monitoring Requirements - RSW-001 and RSW-002. In 2010 Boeing commented on the language in this footnote. Please change the text as follows to make the footnote language consistent with the Water Board's 2010 response: The permit requires sampling 1/year and that a geometric mean value be calculated; therefore, the annual sampling event must include 5 samples equally spaced over a 30-day period.		footnote language
34	Section XI.B.2. The reference to Section X.B.3 should be to Section XII.B.3. Please make the revision in the text.	Correction made as suggested.	Modified language
35	Section XII.A.5. The reference to Section V.G should be to Section V.A.9. Please make the revision in the text.	Correction made as suggested.	Modified language
36	Table E-4. Please change the SMR Due Date for the Annual Report to March 01 per the 2010 WDR.	Changed as requested.	Modified language
37	Section XII.D.1. The text references SMR reporting requirements which are in Section XII.B. Please change the reference to Section X to Section XII.B.	Correction made as suggested.	Modified language
38	<u>Attachment F, Fact Sheet:</u> Table F-2. Historic Effluent Limitations and Monitoring Data from Outfalls 001, 002, 011, 018, and 019. Please delete the reference to footnote 1 from TCDD. Footnote 1 is reserved for values equal to "ND" and the MEC value for TCDD is not "ND."	Correction made as suggested.	Modified language
39	Section II.D, table. Please change the Reported Value for TCDD on 04/11/2012, for Outfall 009 to 3.72E-08.	Changed to correct value as suggested.	Modified language
40	Section III.D, paragraph 3. Please consider	The text as written in no way implies that the Los	None

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	adding "not related to SSFL" at the end of the second sentence for clarity as follows (additions are underlined) The majority of the Los Angeles River Watershed downstream of the site is considered impaired due to a variety of point and nonpoint sources <u>not related to SSFL</u>	Angeles River Watershed impairments that occur downstream of SSFL are solely or primarily due to activities associated with SSFL. However, no concrete conclusions have been made regarding the specific sources of the impairment. Thus, it would be inappropriate to include this statement at this time.	
41	Section III.D, paragraph 5. Please consider adding "not related to SSFL" at the end of the fourth sentence for clarity as follows: It appears that the sources of many of these pollutants are agricultural activities <u>not related to SSFL</u>	See response to comment 40.	None
42	Section IV.B.2, third and fourth paragraph. Please make the following text edits (additions are underlined and deletions are in strikeout): The Regional Water Board requires the Discharger to update their BMP Plan. The purpose of the BMP Plan is to establish The combination of the SWPPP and BMP Plan and the Order.....	Changed as suggested.	Modified language
43	Section IV.C.2, first paragraph. The references to Section IV.C should be to Section III.C. Please make the edit in the text.	Correction made as suggested.	Modified language
44	Table F-5c. Applicable Basin Plan Numeric Water Quality Objectives. Please change "0.2 units" in the Water Quality Criteria for pH to "0.5 units", per page 17, Section V.A.I. The Basin Plan confirms on page 3-15 that a value of 0.5 units is applicable to inland surface waters.	Changed as suggested.	Modified language
45	Table F-5c. Applicable Basin Plan Numeric Water Quality Objectives. Please add MBAS to	MBAS added to Attachment A as suggested.	Included MBAS in

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	Attachment A.		Attachment A
46	Table F-6a. Summary of Reasonable Potential Analysis for Outfalls 001, 002, 011, and 018. Please add a footnote to define the meaning of "-" and a blank in column "Maximum Detected Receiving Water Conc. (B)."	Footnote was added.	Footnote added
47	Section IV.C.4.d, Step 1. The text makes a reference to "Attachment Table R2". This Table does not exist in the tentative permit or its Attachments.	Reference to Attachment Table R2 was replaced with Attachment J	Modified language
48	Table F-7a, footnote I. The text of this footnote should be the same as footnote 1 for Table F-7b. Please add "and Outfall 020" after "Outfall 019."	Table 7a does not include the limits for Outfalls 019 and 020. Footnote 1 was deleted.	Deleted footnote
49	Table F-7b. For chronic toxicity, please add a reference to footnote 2.	Footnote 2 added to chronic toxicity as suggested.	Footnote reference added
50	Table F-7b, footnote 3. Footnote 3 references Page F-31. The reference should be to page F-26. Please make the revision in the text.	Correction made as suggested.	Modified footnote language
51	Table F-8c. Summary of Final Effluent Limitations for Outfalls 003, 004, 005, 006, 007, 009, and 010. Please add a reference to footnote 1 to column header "Basis for Limitation"	Footnote number 1 reference added to Basis for Limitation column header as suggested.	Footnote reference added
52	Section V.C. Consistent with the WDRs issued to other dischargers, and to the extent that the Regional Board includes only the final WLAs as sediment limitations in Boeing's WDR, please revise the text on page F-57 to read: "The Discharger shall demonstrate attainment of the final receiving water sediment limitations below on the effective date of this permit."	Changed as suggested.	Modified language
53	Please also revise the text on pages F-57 and F-58	No change is required. The change requested is to	None

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	to read: "As per Resolution No. R4-2005-010, attainment of the final limitations is determined by evaluating the in-stream annual averages of the constituents below in a tributary to Arroyo Simi. The Discharger is required to use analytical methods with detection values below the specified limits, if feasible."	replace the last word of the statement from possible to feasible. Staff believes that possible is the appropriate word as it is consistent with the statement that appears in the Monitoring and Reporting Program, <ul style="list-style-type: none">• Section I. H, "Where possible the MLs employed for effluent analyses shall be lower than the permit limitations established for a given parameter;"• Section I. I. "Where possible, the ML's employed for effluent analyses not associated with determining compliance with effluent limitations in this order shall be lower than the lowest applicable water quality objective,..." Thus the requested change is not warranted.	
54	Table F-8d. Summary of Final Effluent Limitations for Outfalls 008. Please add a reference to footnote 1 to column header "Basis for Limitation".	Footnote number 1 reference added to Basis for Limitation column header as suggested.	Footnote reference added
55	Table F-10. Summary of Final Receiving Water Sediment Limitations for Arroyo Simi. Column header "Limitations" has a reference to footnote 1, but no footnotes appear under the table. Please delete the reference to footnote 1.	Reference to footnote 1 deleted as suggested.	Footnote reference deleted
56	Section VI.D. Please delete the second sentence of the second paragraph of this Section on page F-59 and add: "A chronic toxicity effluent limitation is applicable only to discharges that last seven days or longer.	The Regional Board disagrees. See response to comments 6 and 7.	None
57	<u>Attachment G -SWPPP Requirements:</u> Section first sentence. This sentence states that the SWPPP will be submitted to the Water	Appropriate section reference changes were made.	Revisions are included.

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	<p>Board "within 90 days following the adoption of this Order." However, Page E-30 states that the SWPPP is due 90 days from the effective date of this Order. Please change "adoption" to "effective date".</p> <p>The text in Attachment G makes references to Sections that are not found in the Tentative WDR. Please insert the appropriate Section references.</p>		
Rocketdyne Cleanup Coalition; Physicians for Social Responsibility-LA; Southern California Federation of Scientists; Committee to Bridge the Gap; Teens Against Toxins; Center for Race, Poverty, and the Environment; The People's Senate; Aerospace Contamination Museum of Education; and Consumer Watchdog – Letter dated January 9, 2015			
58	The Fact Sheet included as Attachment F of the Tentative NPDES Permit states at page F-62 that written comments on Tentative Permit were due "by 5:00 p.m. on January 9, 2015." The letter transmitted by Board staff to Boeing on December 4, and attachments thereto, however, said comments were due on January 8. We are therefore submitting our comments based on the date in the Tentative Permit itself, and so notified Board staff by email on the 8th.	The Regional Board agrees there were inconsistent comment deadlines provided. The Regional Board will accept as timely all written comments submitted by 5:00 pm on January 9, 2015.	None.
59	We request that this letter and the attachments thereto, be provided in their entirety directly to the Board Members, with the exception of the Board Chair, who has a conflict-of-interest due to his work, and that of his firm, for Boeing related to SSFL. Staff merely summarizing our points and then defending its actions would be inappropriate. The Board Members should see directly this letter and its attachments, and act on the requests	All timely written comment letters are provided to the Board members in their entirety in their agenda packages prior to the Board meeting. This response to comments merely summarizes the comments for ease of reference.	None.

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	contained herein.		
60	The permit required Boeing to submit by October 13, 2013, a Report of Waste Discharge (ROWD) as application for issuance of new waste discharge requirements. We have been diligently checking both the Board's website and Boeing's (Boeing was supposed to post the relevant documents, such as monitoring reports, on its website); no ROWD has been posted, to the best of our knowledge. Either Boeing did not submit it by the required date, or it has been submitted and has been kept essentially secret from the public.	Boeing submitted its ROWD to the Regional Board on October 17, 2013.. The Regional Board did not keep submittal of the ROWD secret from the public. The Board is not required to post ROWDs on its website, nor does it routinely post ROWDs for any dischargers applying for permits on its website. ROWDs are public records and would have been provided to any member of the public upon request. Rather than traveling to the Regional Board's office, the ROWD could have been emailed to a requester or posted on the Board's website if requested. In other words, if someone wanted to review the ROWD, all they had to do was ask. Even if the ROWD had not been submitted at that time, the ROWD would have been provided once it had been submitted.	None
61	The 2010 NPDES permit expired on April 10, 2014. Boeing has thus been operating with an expired permit ever since. Even were the Board to act in February to approve renewal, Boeing will have gotten essentially a free one-year extension of its permit. Put differently, it will have been allowed to operate for nearly a year on an expired permit.	Although the permit expired, the permit has been administratively extended until the issuance of a new permit.	None
62	The Board's long delay in responding and issuing a Tentative new permit is hard to understand. Board staff took fourteen (14) months from the time the ROWD was supposed to be submitted to issue a Tentative permit. If this were merely a reissuance of the permit, as Board staff claimed in the public notice, then it is	The Regional Board genuinely attempts to renew NPDES permits every five years. However, as with most state agencies, the Regional Board has a high workload and limited staff resources. The Regional Board staff worked on this reissuance of the permit when it was feasible to do so. The changes made in the reissued permit are not as extensive as the commenter makes them out to be, nor do the changes	None

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	hard to understand why that took fourteen months. If, on the other hand, they took fourteen months to make extensive changes to the permit, so it is not a reissuance but a markedly altered permit, then there has been a lack of candor in the public notice. The latter, as we shall see, appears to be the case.	vastly weaken the permit. The changes are largely designed to implement current federal and state requirements, as well as to update facts and requirements given the current activities at the site.	
63	But then, having taken 14 months for their review, Board staff gave the public only 30 days to comment—and chose to have those 30 days over the Christmas/Hanukah/New Years holiday. This creates the clear impression of trying to discourage any opportunity for detailed review and comment on the proposed permit, further reinforced by the failure to disclose the revisions to the permit that had been made, why they had been made, or even that any revisions had been made at all.	<p>The Regional Board did not try to discourage any opportunity to comment. The Board takes public participation and comments seriously. Federal regulations and the California Water Code require that the Regional Board provide notice and a period of at least 30 days for the public to comment on NPDES permits. The Regional Board did so here. Given the scheduled Board meeting to consider reissuance of the permit on February 12, 2015, and to allow sufficient time for Regional Board staff to review and respond to comments and to provide an opportunity to review its agenda package, the Regional Board provided notice of the opportunity to comment on the tentative permit on December 4, 2014, which was in advance of the holidays. The Board did not receive any requests for extensions prior to the comment deadline. Had such a request had been made, the Regional Board would have considered it.</p> <p>Further, Regional Board staff also announced the pending release of the permit for public comment at the DTSC Open House that was held on November 13, 2014 and at the Community Advisory Group (CAG) meeting that was held on November 19, 2014. This provided additional notice to many interested person that the tentative permit would be</p>	None

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		released for public comment in December.	
64	<p>The proposed permit was in no way a reissuance but instead a dramatic alteration and modification of the requirements in the prior permit. This not only wasn't disclosed; the notice clearly told the public this was merely a reissuance. Not a word can be found in the notice or the Tentative permit itself, as far as we can see, disclosing that provisions have been modified, what provisions have been changed, why they were altered, whether those changes weaken or strengthen the pollution restrictions, and whether Boeing asked for the revisions.</p> <p>This "hiding the ball" is unseemly for a public agency. We note that not only is the public not put on notice what is proposed to be changed so it can comment meaningfully, the Board Members themselves are not on notice about the proposed changes buried in the document. How can the public comment in a meaningful way or the Board Members vote in a responsible fashion when the changes are hidden like this? Does one expect the Board Members to go through, page by page the 195 pages of the 2010 permit and compare it with the 180 pages of the new Tentative Permit, line-by-line, to hunt out what has been removed and what has been altered, and then to try to figure out why that was done? That is apparently what has been demanded of the public, over the holidays no less.</p>	<p>This permit is a permit reissuance and is not a dramatic alteration and modification of the requirements in the 2010 permit. As noted above, the changes are largely designed to implement current federal and state requirements, as well as to update facts and requirements given the current activities at the site. The Regional Board is not required to identify every single provision that has been changed in a permit reissuance. The changes are reflected in the tentative permit. The Fact Sheet (Attachment F) contains background information and rationale for the requirements in the permit, including rationale for changes made.</p>	
65	As recently as January 6, 2015. two or three	The Regional Board provided notice of the	None

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	days before the supposed comment deadline, the Boeing Tentative NPDES permit was not even listed or posted on the Regional Board's webpage for Tentative permits. No notice of opportunity to comment was posted. Nor was any agenda for the February 2015 Board meeting posted, which would show the matter being on the agenda. (By January 9, the tentative permit was belatedly posted. with a note saying comments were due January 8.)	<p>proposed reissuance of the permit to our entire list of interested persons via email on December 4, 2014. The email attached a copy of the tentative permit, notice of public hearing, a cover letter, and instructions to Boeing regarding posting. The Board is not required to identify or list every single change implemented in the tentative requirements.</p> <p>In addition, Boeing submitted documentation of posting, including a notice that was posted in the Ventura County Star newspaper on December 8, 2014, and on the fence to the entrance of SSFL.</p> <p>Regional Board staff also announced the pending release of the permit for public comment at the DTSC Open House that was held on November 13, 2014 and at the Community Advisory Group (CAG) meeting that was held on November 19, 2014.</p> <p>Board meeting agendas are required to be posted at least 10 calendar days before the Board meeting. The agenda for the February 12, 2015 Board meeting was posted on January 28, 2015, which fulfills this legal requirement. In any case, the email sent to interested persons on December 4, 2015 clearly indicated that the Board would consider reissuance of this permit during its Board meeting on February 12, 2015.</p> <p>Further, the Regional Board is striving to post all tentative permits on its website in the future during the public comment period.</p>	

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66	<p>On December 4, 2014, staff of the LA Water Board sent an email to Paul Costa of Boeing, with cc's to several dozen government officials and a handful of community members. The body of the email merely said, "Attached please find correspondences [sic] from the Los Angeles Regional Water Quality Control Board (Regional Water Board)." The attached correspondence was between the Board and Mr. Costa of Boeing, giving Boeing a copy of the Tentative NPDES permit and some instructions to Boeing for arranging a public notice.</p> <p>The email was addressed to Boeing alone, informing Boeing of attached correspondence to it. Some people were cc'd on the email. Most of us, of course, did not even receive it. But even if we had, all it said was please find attached some correspondence, which was to Boeing. There was <i>no</i> email to the concerned public that said: PUBLIC COMMENT SOLICITED ON PROPOSED PERMIT.</p> <p>This is simply not the way a responsible agency puts the public on notice of an opportunity to comment. The Board kept Boeing's application secret, didn't post the Tentative Permit on its Tentative permit webpage, did not send out a general email to the concerned public (e.g.. didn't even ask DTSC to email out to its basic SSFL interest</p>	<p>As described in the previous response, numerous efforts were made to inform the public that the tentative requirements for the Boeing Santa Susana Field Laboratory were going to be available for public comment and the time frame that we were proposing to receive comments. In each of the meetings where the announcement was made, it was also made clear that the item was scheduled for consideration at the February 12, 2015 Board meeting.</p> <p>The email notification is the method that Regional Board staff has routinely used to inform stakeholders of the process and the optimum method for them to participate. By presenting one email to all interested person, it is clear that the Discharger is not given different instructions than are offered to the other stakeholders.</p> <p>Regional Board staff copied all known interested persons. If someone would like to be on the email list, that person should contact Regional Board staff to be added.</p> <p>Further, the subject line of the email stated "Tentative NPDES Permit - The Boeing Co. (SSFL)," which clearly indicated the subject of the email. However, the point regarding changing the subject line is a good one and we will consider it as we distribute tentative permits in the future.</p>	None

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	list), and the only email sent was to Boeing, with a handful of cc's. merely saying some correspondence with Boeing was attached. And, critically, as indicated above, nowhere did the Board staff notify the public or the Board Members of the contemplated changes in the permit.		
67	The vast majority of hidden alterations in the permit weaken it.	<p>The Regional Board disagrees. As previously stated, the changes made in the reissued permit are not as extensive as the commenter makes them out to be, nor do the changes vastly weaken the permit. The changes are largely designed to implement current federal and state requirements, as well as to update facts and requirements given the current activities at the site. In addition, the mass-based limits were modified based on new estimates for the flow associated with the 10-year 24-hour storm event size (discussed in more detail below in Response to Comment72) that was included in the 2010 Ventura County Hydrology Manual (6.04 inches).</p> <p>In some situations, certain requirements were removed. However, they were not removed to weaken the permit, but rather to remove requirements that are no longer applicable or necessary for the site given current legal requirements or the specifics of the site.</p>	
68	The permit eliminates all monitoring and compliance requirements for acute toxicity. No reason is given for eliminating these protections of the environment.	<p>The basis for the elimination of the acute toxicity testing and the inclusion of the chronic toxicity testing using the Test of Significant Toxicity (TST) is explained in the Fact Sheet on Page F-39.</p> <p>To summarize, the acute toxicity monitoring has been replaced with the more stringent chronic</p>	None

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		<p>toxicity monitoring. The data collected over the past 5 years did not demonstrate reasonable potential for the discharge from the SSFL to exceed the acute toxicity limit.</p> <p>The acute test only addresses mortality. The chronic test will detect other unfavorable responses including decreases in reproductive rates, decreased growth rate, and mortality. Data indicates that a chemical at low concentrations can have chronic effects but no acute effects. The use of the more sensitive TST approach to evaluate chronic toxicity will provide information regarding the potential effects to plants and animals.</p>	
69	All monitoring and pollution limits are entirely eliminated for Outfalls 12, 13, and 14.	<p>Outfalls 12, 13, and 14 are the locations of the rocket engine test stands. Rocket engine testing at these locations stopped in 2006. Subsequently, the NPDES permit required sampling at the locations with benchmarks only. These benchmarks were used as the locations of Outfall 12 and 13 are directly upstream of Outfall 018 and Outfall 014 is upstream of Outfall 011.</p> <p>In 2006, Boeing filed a petition with the State Board on the NPDES permit. This petition resulted in State Board Order WQ 2006-0012, which included a remand of the permit back to the Regional Board with direction “to ensure that numeric effluent limitations for different outfalls do not count the same violation twice in such a manner as to treat a single violation as multiple violations”.</p> <p>The current practice is to collect stormwater from</p>	None

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		<p>Outfalls 12 and 13, and transport the collected stormwater to the Silvernale Pond for treatment prior to discharge. By so doing, the stormwater generated at these locations receive advanced treatment prior to discharge.</p> <p>Outfall 014 was the former location of the Advanced Propulsion Test Facility (APTF). The facility has been removed and the area is currently green space. There is a small berm surrounding the area that keeps stormwater runoff in the former footprint of the site. Routinely, the stormwater is allowed to evaporate or infiltrate in the area. In instances where the rainfall exceeds the storage capacity; the plan is to pump it into baker tanks stored onsite and either take it to one of the onsite stormwater treatment systems or ship it off site for disposal</p>	
70	All monthly average limitations have been removed from the permit.	The Los Angeles Regional Board routinely includes monthly average and daily maximum limits for wastewater discharges. Stormwater discharges are routinely regulated using daily maximum limitations only. This has been the protocol since there are routinely few rain events in the region and hence few discharges associated with those events. The permit includes daily maximum limits for the stormwater only discharges. It includes daily maximum and monthly average limits for the treated groundwater (wastewater) discharges from Outfalls 019 and 020.	None
71	The permit length has been extended to, in effect, 6 years from expiration of the prior permit, compared with the 4 years of the earlier permit. Delaying Board review by 50% over	Title 40, Code of Federal Regulations, section 122.46 states that (a) NPDES permits shall be effective for a fixed term not to exceed 5 years. (b) Except as provided in § 122.6, ...”	None

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	the prior permit length makes no sense. Boeing needs more scrutiny, not less.	<p>Since the program administered by the State of California conforms to the requirements set forth by the United States Environmental Protection Agency (USEPA), the permit includes an expiration date that is five years from the effective date.</p> <p>Order No. R4-2010-0090 was a permit adopted as a result of a review and updates of Order No. R4-2009-0058. Hence, the expiration dates of those two orders are the same (April 10, 2014).</p> <p>As previously mentioned, although Order No. R4-2010-0090 expired on April 10, 2014, it has been administratively extended until a new permit is issued.</p>	
72	The oil and grease limitation at outfalls 3-10 has been changed, from 2,227 lbs. per day to 8,048 lbs. per day. This would now allow more than 4 tons to be discharged per day, nearly a four-fold increase	<p>The concentration of oil and grease permitted for discharges from Outfalls 3 -10 is the same. The changes noted in the permitted mass discharges are the result of refined estimates of the maximum estimated stormwater flow generated from the respective watersheds.</p> <p>These outfalls discharge stormwater only. Hence, the amount of the discharge is dictated by the size of the storm event, which cannot be accurately predicted in advance. These outfalls are located near the northern boundary of the site. This area has no natural structures (ponds) in place to use to store the stormwater runoff generated. If the stormwater runoff is not collected, it is discharged directly to the natural drainages that flow to Arroyo Simi.</p>	None

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		<p>The current protocol is for the Discharger to collect the stormwater generated and pump it over to Silvernale Pond for storage and subsequent treatment. In instances when the stormwater runoff generated exceeds the capacity that can be collected and pumped over to the Silvernale Pond; the stormwater will be discharged at the outfall associated with the subwatershed where it is collected. The flow used to calculate the mass is the maximum that will be generated during the 10 year 24-hour storm event, which was estimated using the Storm Water Management Model (SWMM) (USEPA, 2010). Just because the mass-based limit increased, it does not mean that the Discharger will discharge that amount during the term of the permit, since the amount discharged is dependent on rainfall.</p> <p>The use of new information from the sampling events and from the model used to estimate the flow data is consistent with the exception to the antibacksliding prohibition included in Clean Water Act section 402(0) and federal regulations at 40 CFR section 122.44(l). The exception provides that less stringent limits may be allowed where new information is available that was not available at the time of permit issuance that would have justified a less stringent limit. The new flow estimates is new information for the mass-based limits. However, the effluent limit concentration remained the same.</p>	
73	The mercury daily limitation has been changed from .02 lbs to .07 lbs per day at Outfalls 003 -	The mercury concentration limits are the same as the concentrations included in Order No. R4-2010-	None

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	010. This is a more than tripling of the allowable amount	0090. The changes noted in the permitted mass-based limits are the result of refined estimates of the flow generated in the respective watersheds, as discussed in the previous response.	
74	The thallium daily limitation has been changed from .3 lbs per day to 1.1 lbs per day at outfalls 003 - 010. This nearly quadruples the allowable release.	See response to comment 72 above.	None
75	Zinc daily limitation has been changed from 24lbs to 64lbs per day at outfalls 003 - 010.	See response to comment 72 above.	None
76	Boron daily limitation has been changed from 148 lbs to 537 lbs per day at outfalls 003-010.	See response to comment 72 above	None
77	Nitrate + Nitrate daily limitation has been changed from 1,888lbs to 5,365lbs per day at outfalls 003 010.	See response to comment 72 above.	None
78	The total facility permitted flow has been increased to 187 million gallons per day from 168.	The flow increase noted is correct. The increase in flow is associated with new estimates of maximum stormwater flow generated from the affected subwatersheds. See response to comment 72 above.	None
79	The requirements for sampling at the point of discharge into the unnamed canyon tributary to Arroyo Simi have been modified so as to not occur unless there is a discharge into the Arroyo Simi. No explanation for the change is given, but it suggests that discharges into that canyon that would previously have been sampled would now not be if it could be argued that the discharge did not, in one sweep, get all the way down to the Arroyo Simi	<p>This is not a modification of the prior permit, but rather is a clarification. The purpose of receiving water monitoring is to detect changes in the receiving water that are attributable to discharges from the facility. If the facility does not discharge, there is no way that discharges from the facility would have an effect on the receiving water.</p> <p>Recently, many other dischargers have been requesting that it be made clear that they are not required to monitor the receiving water when they do not discharge. The Regional Board has included that in this permit. It in no way changes the</p>	None

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		requirement for the Discharger to sample if a discharge occurs from the facility.	
80	Monitoring of Outfall 19 appears to be eliminated, including for stormwater, replaced instead by sampling at the discharge point for the groundwater extraction and treatment system. The same limitation on monitoring appears for the new 020.	The monitoring location for discharges from the groundwater extraction and treatment system (GETS) have been modified such that the Discharger can monitor at the location after all treatment, but prior to discharge to the unnamed canyon tributary to Bell Creek. The purpose of the sampling is to secure a representative sample of the discharge. Sampling in the vicinity of the GETS or at the end of the pipe prior to the discharge entering the unnamed tributary to Bell Creek produces the same results as the pipe in which the treated groundwater travels and is not expected to add pollutants to the discharge. Monitoring for stormwater occurs upstream at Outfalls 011, 018, and at Outfalls 001, and 002.	None
81	Table E-2a footnote 14 has been removed, for Boron, Fluoride, Barium, Iron, Manganese, Antimony, Arsenic, Beryllium, Chromium, Nickel, Silver, and Thallium, which require that if there is a detection, the frequency of analysis must be increased to once per discharge.	Footnote 13 (which requires that if the Discharger exceeds the applicable criteria, the frequency of monitoring is increased to once per discharge until four consecutive samplings demonstrate compliance, then the frequency reverts back to annual sampling) will be added for boron, fluoride, barium, iron, manganese, antimony, arsenic, beryllium, chromium VI, nickel, silver and thallium.	Footnote 13 has been added
82	The requirements for monitoring for radioactivity have changed in a fashion that weakens them. If a gamma scan is done, only cesium-137 is to be measured for, despite the potential for other radionuclides to be present. If potassium-40 is found to be elevated, it is to be ignored and assumed to be natural, even though the site used sodium-potassium	The radioactivity limits used in the permit are based on the maximum contaminant concentrations (MCLs) used to protect drinking water. This is consistent with the protocol used by the Drinking Water Division and the text in the footnote has been reviewed by staff from that division. The monitoring requirements for radioactivity are essentially identical to those included in Order No. R4-2010-	None

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	(NaK) coolant for its nuclear reactors.	0090. The Regional Board has included two minor changes: (1) Noting that Cs-137 is a beta/gamma emitter, and (2) adding text clarifying the monitoring strategy if any one sampling event yields an exceedance of the annual average limit (See response to comment 26).	
83	The ammonia removal section of the prior permit has been eliminated.	The ammonia removal section that was included in the whole effluent toxicity discussion targets the ammonia that is usually in sanitary waste treatment operations. The discharge of wastewater from the onsite package treatment plants terminated in 2004. Hence there is no activity that includes the addition of ammonia. Since, the discharge is either stormwater runoff or treated groundwater, ammonia should not be present in the discharges and the removal section is no longer applicable.	None
84	In addition to weakening the prior permit, it carries over a number of troublesome provisions from the earlier version, which we oppose. It is remarkable, for example, that a facility that had a partial nuclear meltdown, at least three other reactor accidents, decades of releases from open-pit burning of radioactive and toxic materials, and which was found by US EPA to have 500 locations with radioactive contamination in soil remaining, would be required to only monitor once a year for radioactivity leaving the site in surface water discharges. The permit sets a single sample per year for numerous chemical contaminants as	The Regional Board previously provided its rationale for these provisions in the Fact Sheet to the 2010 permit, in response to comments on the tentative 2010 permit, as well as oral responses during the hearing. Aggrieved persons had an opportunity to challenge these provisions after the 2010 permit was adopted.	None.

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	well. It removed earlier requirements that there be both monthly average and daily minimums for other outfalls (the new permit removes the last such requirements). It eliminated requirements that both grab and composite samples be taken. It established non-enforceable “benchmarks” instead of enforceable numerical limits for several outfalls. We oppose all these weak provisions and recommend that they be remedied.		
85	<p>For more than a decade the water board has failed to bring Boeing into compliance. The Regional Board issued several orders, but the violations continued. In 2010, the Board and Boeing negotiated a Consent Judgment, setting stipulated penalties for violations, but the violations continued. Recently, Boeing and the Board cut a new deal, extending the 2010 deal, with its weak penalties that have not resulted in Boeing coming into compliance.</p> <p>And now, despite this long history of violations and exceedances, Board staff proposes weakening the permit further, eliminating many of the requirements Boeing has been breaching.</p>	<p>The Regional Board disagrees that it has taken weak actions and that the Board has not taken significant steps to bring Boeing into compliance. In response to Regional Board requirements, Boeing has taken several significant actions at the SSFL site, including implementation of recommendations from the Stormwater Expert Panel, Interim Source Removal Action (“ISRA”), best management practices at Outfalls 008 and 009, and installation of permanent stormwater conveyance and treatment systems. Boeing has indicated to the Regional Board that it will continue to improve the existing stormwater management program at the site to eliminate or reduce violations of its NPDES permit. Boeing further indicated that its annual stormwater control budget for the site is approximately \$6 million.</p> <p>In addition, while there have historically been a significant number of violations at the Boeing site, Boeing’s effluent data beginning with the 1st Quarter 2010 shows a general decrease in the number of effluent limit violations. The 2nd Quarter 2010, 3rd</p>	None.

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		<p>and 4th Quarters 2012, and 1st Quarter 2013 had enough rain to produce sufficient flow to allow the discharge to be sampled and no violations were recorded during those events. While this data set appears to indicate improvement in water quality as a result of the actions taken by Boeing, there is insufficient data to make a direct correlation due to several years of drought conditions. However, the extension of the Consent Judgment (Amended Consent Judgment) is only a 2-year extension during which time the Regional Board will continue to evaluate the data to determine the effectiveness of the actions Boeing has taken at the site to come into compliance with its NPDES permit.</p> <p>Further, the Amended Consent Judgment contains a sliding scale of stipulated penalties for each violation of an effluent limitation that ranges from a mandatory minimum penalty of \$3,000 up to a maximum of \$15,000 per violation depending on the pollutant. The primary purpose of the escalating stipulated penalty framework is to provide: (1) an incentive for Boeing to proactively implement compliance activities, and (2) an efficient and immediate enforcement mechanism. The possibility of automatic escalating penalties serves as an incentive to Boeing to institute systems to ensure that no violations of its permit occur. Also, the Regional Board's authority to assess administrative civil liability or request a court to impose judicial civil liability is statutorily capped. Thus, it is important to note that the maximum stipulated penalty for most pollutants represents an amount greater than what</p>	

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		<p>could be administratively imposed by the Regional Board or State Board. Therefore, the Regional Board does not consider these fines to be insignificant or trivial based on its statutory authorities.</p> <p>Lastly, the Regional Board has not agreed to limit itself from taking other enforcement actions against Boeing for violations of its permit. Section 6 (page 11) of the Amended Consent Judgment states: “For any NPDES permit violation occurring between (and including) January 1, 2010, and December 31, 2016 that is not a type of violation subject to stipulated penalties as set forth in section 6.1 below, the Regional Board shall not be constrained in any way by the terms of this agreement, and may seek to recover any penalties or enforce the terms of this agreement, and may seek to recover any penalties or enforce the terms of the NPDES Permit as permitted by law.” Furthermore, in certain defined circumstances, section 6.7 (page 14) states that “The Regional Board may move the court to award penalties in excess of the stipulated penalty amounts listed above, up to the limit allowed by law...”</p>	
86	Between 2008 and early 2014 Boeing has had 216 exceedances at the Santa Susana Field Laboratory.	The Regional Board agrees that there have been several exceedances at the site. This is not surprising given the size and complexity of the site, the large number of outfalls at the site, and the types of discharges at the site (e.g., stormwater). However, the number of exceedances of effluent limits, receiving water limits, and benchmarks reported in the California Integrated Water Quality	None

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		<p>System (CIWQS) does not indicate 216 reported exceedances. Rather, CIWQS reports 177 exceedances since 2008. It is important to note that, of the 177 exceedances reported in CIWQS, 77 of them have been dismissed as not constituting a violation. Some of the reasons an exceedance could be dismissed include:</p> <ol style="list-style-type: none">1. The exceedance is of a benchmark, which is not an enforceable limit subject to penalties. The benchmark is used to trigger additional action by the Discharger to evaluate and upgrade best management practices.2. The sampling result was inadvertently reported twice and counted twice as an exceedance.	
87	<p>Boeing has been steadily reducing the amount of times it samples. Throughout the duration of the original permit the amount of sampling conducted by Boeing has steadily declined. There cannot be any exceedances if they are not being tested for. In its last full calendar year of reporting (2013), Boeing's sampling and testing activities had been reduced by about 94%.</p> <p>Another factor to take into account is the reduced amount of rain we have received in recent years. The rainfall at the site significantly declined throughout the duration of the original permit; but in spite of this, exceedances at the SSFL site have been present as late as early 2014.</p>	<p>The permit dictates when Boeing is to sample. Any stormwater discharge from a designated outfall triggers a requirement for sampling of the discharge. Discharges from Outfall 019, which are associated with treated groundwater must be monitored monthly at a minimum. The permit also requires annual monitoring for all of the priority pollutants.</p> <p>The number of sampling events have decreased as a result of a number of issues:</p> <ol style="list-style-type: none">1. Draught conditions have generated less rainfall and fewer discharge events.2. Boeing has removed many of the paved surfaces and buildings onsite. This has resulted in more area for infiltration and subsequently less runoff generated during rain events.	

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		<p>3. Boeing, has been managing stormwater runoff by collecting it in the onsite ponds and when enough water is available treating it with advanced treatment.</p> <p>You are correct, Boeing does continue to have violations of the NPDES permit. However, the number of violations reported and the specific contaminants that are yielding the violations have both decreased.</p>	
88	Even though Boeing has repeatedly violated the terms of NPDES permit it seems as if it is getting lenient treatment from the Board, the latest example being the inexplicable relaxation of its cleanup duties in the proposed permit.	<p>The concentration effluent limits included in the tentative permit are in all instances at least as stringent as those included in the current permit (order R4-2010-0090). In a few cases the limits in the tentative permit are more stringent than the limits included in the current permit:</p> <ol style="list-style-type: none">1. Nickel daily maximum concentration limits at Outfalls 011 and 018 and as benchmarks at Outfalls 001 and 002,2. At Outfall 019 the copper monthly average concentration limit, the nickel daily maximum concentration limit and the thallium monthly average concentration limit,3. At Outfalls 003 - 007, 009, and 010 the cadmium and thallium daily maximum concentration limit is new; the copper and nickel daily maximum limits are more stringent, and4. At Outfall 008 the nickel and zinc daily maximum concentration limits are more stringent. <p>The NPDES permit does not include cleanup</p>	None

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		requirements as routinely referenced. Boeing was directed in 2008 to perform an interim cleanup as per the California Water Code Section 13304 Order to Perform Interim/Source Removal Action of Soil in Areas of Outfalls 008 and 009 Drainage Areas, The Boeing Company Santa Susana Field Laboratory, Unincorporated Ventura County, California (SCP No. 1111, Site ID No. 2040109) issued by the Los Angeles Regional Board. Boeing has since submitted a workplan, selected a group of technical experts (Storm Water Expert Panel), selected areas for excavation, completed the excavation, re-stabilized the areas, incorporated new best management practices (BMPs) and is currently in the process of performance monitoring to evaluate the effectiveness of the interim action and the BMPs that have been installed. The cleanup activities associated with that order are now complete.	
89	We would also like to express our deep concern with what we feel is a very apparent conflict of interest and how it may be a reason as to why Boeing is receiving relaxed regulation in the new proposed permit. The Water Board is chaired by Charles Stringer. It is important to note that Stringer is also Principal and General Counsel at Renewable Resources Group (RRG), a Los Angeles-based consulting firm. This is significant because Renewable Resources has in the past acknowledged that it was hired by Boeing for work relating to its cleanup duties at the Santa Susana Field Laboratory. Mr. Stringer has directly been involved in the RRG contract work for Boeing	The Regional Board understand that Mr. Stringer's employer, Renewable Resources Group (RRG), is a consultant to Boeing at the site, providing environmental policy support for Boeing's desire to see its land protected as open space parkland after it has been safely remediated. In addition, we understand from Mr. Stringer that, despite his title being "Principal and General Counsel," he is not an actual principal or owner of RRG, but rather an employee, and he does not directly profit from RRG's contract with Boeing. Regardless, to the extent any Boeing matters come before the Board, Mr. Stringer has always recused himself from participating in any and all related discussions or decisions, including any interaction with Board staff	None

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	<p>regarding SSFL, the very site in question in this Boeing-Board agreement.</p> <p>Mr. Stringer has not publicly disclosed his ties to Boeing and its SSFL site. Not a word about that potential conflict regarding Boeing appears in any of his Form 700 statements of economic interests. Furthermore, we have found no formal public disclosure of Mr. Stringer's ties to Boeing on the Board's website. Nor have we found publicly posted any public recusal and direction to Board staff to exclude him from receiving any documents related to Boeing. (Excusing himself from voting is insufficient; there are many other ways in which influence is exercised.)</p> <p>Recusal is insufficient. Any staff member who might think about truly enforcing the pollution regulations against Boeing will know that the Chair of the Board has these ties to Boeing and SSFL and that relationship can have a chilling effect on coming down hard on a company with which the Board Chair is so financially entwined.</p>	<p>and on informational items presented to the Board. This includes this matter. Mr. Stringer has not and will not participate in the Board's consideration of the reissued permit in any manner, including discussing this matter with Board members and Board staff.</p> <p>There is no requirement that the Regional Board post a public recusal on the Board's website. Mr. Stringer's recusals are, however, noted in public records consisting of transcripts and disclosable minutes from Regional Board meetings noting Mr. Stringer's recusal from Boeing items before the Board, or his absence from Board meetings where a Boeing item was discussed. In addition, in Mr. Stringer's responses in August 2011 to various questions posed by the Senate Rules Committee regarding his appointment to the Regional Board, Mr. Stringer disclosed his employer's business relationship with Boeing and noted that he will recuse himself from participating in any and all discussions and decisions concerning Boeing, which he has done.</p> <p>In addition, there was no written announcement to Board staff that Mr. Stringer recused himself from Boeing matters before the Board, or any written direction to Board staff, as there is no such requirement to do so. Mr. Stringer decided to recuse himself from Boeing matters before the Board when he was first appointed to the Board. To the extent any announcement was made to Board staff, it would have been a verbal announcement. All</p>	

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		<p>Regional Board staff who work on Boeing related matters have been aware of Mr. Stringer's recusal since his appointment to the Regional Board.</p> <p>Further, Mr. Stringer's recusal does not have "a chilling effect on coming down hard on a company with which the Board Chair is so financially entwined." This allegation has no merit and the commenter has provided no evidence for its assertion. Not only has Mr. Stringer not participates in the Regional Board's consideration of the reissued permit, but his recusal from Boeing matters and/or his employer's relationship to Boeing plays no role whatsoever in the Board's consideration of the permit or on enforcement of Regional Board orders.</p>	
90	<p>We request the following:</p> <p>1. Board staff be directed to prepare a comprehensive and detailed identification of every change proposed in the Tentative Permit compared to the prior Permit, identifying what has changed; whether it strengthens or weakens pollution prevention; the rationale for the change; and whether Boeing suggested the change.</p> <p>2. The identification of revisions described above be made publicly available for review and comments on the proposed permit based on that disclosure of the modifications it contains be allowed, with at least 30 days provided.</p> <p>3. That the monitoring data for the last quarter of 2014, which included several rain events, be made publicly available for review and incorporation into the public's comments on the</p>	<p>As previously indicated, the Board is not required to identify or list every single change from the prior permit. The rationale for the requirements in the permit is provided in Attachment F, the Fact Sheet, to the permit. Having Board staff identify each and every single change would cause undue burden and hardship to the Board, who already has a high workload and limited staff resources. As such, the Board will not provide the requested comprehensive and detailed identification. As such,</p> <p>Regarding the third request, The monitoring data for the 4th Quarter of 2014 is not due until February 15th, as specified in the permit, Staff has been able to secure a summary from the discharger of the preliminary data.</p> <ol style="list-style-type: none">1. On 10/31-11/1/2014 - 0.36 inches of rain was reported. None of the outfalls flowed.2. On 11/30-12/4/2014 – 3.2 inches of rain was	None

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	<p>proposed permit.</p> <p>4. That the hearing on the proposed permit be changed to a date 30 days after the comment deadline set for comments based on release of the above information.</p> <p>5. Irrespective of whether the Board grants the above requests, that our organizations be collectively granted party status in the proceeding regarding the proposed permit and be collectively given an equal time slot to that given collectively to Boeing and its consultants.</p>	<p>reported. Outfall 009 was the only outfall that flowed and no exceedances were reported.</p> <p>3. On 12/11-12/13 - 2.62 inches of rain was reported. Outfall 002 flowed – no benchmark exceedances Outfall 008 flowed – no exceedances Outfall 009 flowed – 2 exceedances reported Lead Result = 8.8 micrograms/liter (µg/L) Lead Permit Limit = 5.2 µg/L TCDD equivalents (Dioxin) = 8.93×10^{-8} µg/L TCDD Permit Limit = 2.8×10^{-8} µg/L</p> <p>4. On 12/15-12/17/2014 - 0.91 inches of rain was reported. Outfall 002 flowed – no benchmark exceedances Outfall 009 flowed – 2 exceedances reported Lead Result = 13 µg/L Permit Limit=5.2 µg/L TCDD equivalents = 7.5×10^{-8} µg/L TCDD Permit Limit = 2.8×10^{-8} µg/L</p> <p>As the Regional Board is not providing another opportunity to submit written comments, postponement of the hearing is not warranted.</p> <p>Regarding the fifth request, whereby the commenter requested that its organizations be collectively granted party status, and also provided equal time to that of Boeing, this request will be addressed separately. The decision whether to grant party status to the organizations, as well as times allotted for all parties and interested persons to speak, will</p>	

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		be made before the hearing on this matter.	
Mr. Alec Uzemeck – Email dated January 7, 2015			
91	I have reviewed the draft permit and I find that is impressively precise and complete. I fully support the permit as written and I think that with some further information I would be able to explain it to the communities.	Comment noted.	None
92	I do have some questions and the first is regarding "backsliding" which is noted to have some exceptions, will the Reasonable Potential Analysis points be recalculated to accommodate the latest sampling data and what are the exceptions?	<p>The Clean Water Act (CWA) section 402(o) and federal regulations at Code of Federal Regulations, Title 40 (40 CFR), section 122.44(l) generally do not allow a NPDES permit to be reissued, renewed, or modified to include less stringent effluent limits than the previous permit (in this case, Order No. R4-2010-0090). However, both the CWA and CFR provide several exceptions where it is permissible for a reissued, renewed, or modified permit to have less stringent limits than the previous permit including, but not limited to, material and substantial changes to the permitted facility that occurred after permit issuance, or new information gained after permit issuance, which justify the application of a less stringent effluent limitation.</p> <p>The concentration limits included in the permit in all cases are at least as stringent as the comparable limit in the prior permit. The mass limits have changed as we have calculated the mass limits using the new flow estimates that are based on the 10-year 24-hour storm using the SWMM model. The data used to calculate the effluent limits in the permit was collected from January 1, 2010 through March 31, 2014. The limits proposed in the permit will not be recalculated using the most recent data</p>	None

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		<p>unless that data demonstrates that a new pollutant should be added.</p> <p>The use of new information from the sampling events and from the model used to estimate the flow data is consistent with the exception to the antibacksliding prohibition. The exception provides that less stringent limits may be allowed where new information is available that was not available at the time of permit issuance which would have justified a less stringent limit. The new flow estimates is new information applicable to the mass-based limits. However, the effluent limit concentration remained the same.</p>	
93	<p>The exceedances have been presented in public with the inference that that they all represent threats to human health but your reports present that as a number that have occurred during 2014 and the permit does have tables that show detail of those that have lead, copper, dissolved solids etc. with samples over the limits. However these data are very difficult to explain to the community since residents have no way of quantifying the exceedances. Are they a threats[sic] above drinking water standards or are they greater than the water quality required for the basin plan and do not pose a danger to humans?</p>	<p>The permit prescribes numeric effluent limits that are developed to protect human health and the environment. A number of the limits are based on criteria that are developed to protect drinking water. One such limit is the selected criteria for arsenic. The MCL for arsenic is 10 micrograms per liter (µg/L) and it is the selected criteria for evaluating the detected concentration at SSFL. Tables 6a – 6d provide summaries of the detected concentration relative to the selected water quality objective. At Outfalls 001, 002, 011, 018 the maximum detected concentration was 8.9 µg/L, below the 10 µg/L MCL. However, the Regional Board included the effluent limit based on best professional judgment. Similar analysis can be completed for each constituent evaluated.</p>	None

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94	I have heard that only a quarter of the permit limits relate to drinking water so it appears to me that the SSFL permit largely deals with the water quality requirements and not treats[sic] to humans. Please give me an approach so that I can explain the permit and former exceedances to layman such as myself and they can assess the significance of the information.	<p>Table F-5a includes the priority pollutants and the selected criteria used to determine if a limit is required (determine reasonable potential). In each case where you see a footnote of 1, 2, or 3, the criteria is for the protection of human health. That includes 11 pollutants out of the 30 pollutants listed. That is roughly one third of the pollutants that have limits that are based on criteria developed drinking water use.</p> <p>The criteria listed in the table under freshwater are developed to protect aquatic life that may reside in the receiving water. Hence, two thirds of the criteria listed are developed to protect small organisms and these criteria in some cases are more stringent than the drinking water criteria for these pollutants. For instance for cadmium the selected criteria used to develop the limits is 2.5 micrograms/liter (µg/L). The maximum contaminant level (MCL) for cadmium which is the limit for the contaminant concentration in drinking water is 5 micrograms/liter; two times the criteria used to develop the effluent limit. This is also true for dioxins (2,3,7,8-TCDD). The criterion used to develop the limit is 0.000000014 micrograms/liter and the limit for drinking water is 0.00003 micrograms/liter. This shows that the criteria used to calculate the limit is 1000 times more stringent than the MCL used to determine if drinking water is safe.</p>	None
95	I have visited the SSFL site a number of time [sic] and I have seen the installation of water treatment plans, holding ponds, erosion control, natural and manmade filters,	The technologies employed by Boeing, and the Storm Water Expert Panel have far surpassed technologies routinely used in this region to treat stormwater. Some of the natural and engineered	None

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	settlement basins and tanks and more installations. These represent a major effort on the part of Boeing and my questions are did they correct the safety and quality of the effluents from the site and what is your team's evaluation the effectiveness of these installations and what can we look for in the future? Will the installations solve the water quality requirements until the cleanup is complete and will they stay in place after the soil contaminants are removed?	<p>best management practices have been acknowledged in scientific journals and Regional Board staff, and other dischargers have been reviewing these technologies and evaluating the feasibility of using them for their particular applications.</p> <p>Boeing is still in the process of evaluating the effectiveness of many of these technologies at meeting the effluent limits included in the permit as for the past 4 years we have been in drought conditions. Hence, many of the best management practices have not been used enough to evaluate their effectiveness. The preliminary data we do have indicates that the number of violations that we are seeing since the implementation of these best management practices is less than the number we saw prior to their implementation.</p> <p>The Regional Board is not sure whether the problem will be solved entirely. However, we can say that the quality of the discharges will be better than they were prior to the installation of new technologies. These best management practices were not developed to solve the problem. The cleanup of the pollutants onsite will be the final solution for the water quality. If the pollutants are not in the soil, the stormwater will not mobilize them and transport them offsite during storm events.</p>	
Mr. Richard M. Mathews – Email dated January 8, 2015			
96	As a longtime resident, I am very concerned about the contamination at the Santa Susana Field Lab. I am writing to express my opposition to the draft	Comment noted.	None

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	of the new permit for Boeing. Even though the 2010 permit is already too weak, Boeing has violated it numerous times and is being fined so minimally the water remains contaminated. Instead of creating more stringent permit requirements to protect public health, your board is now proposing to relax them even more. I am against the following proposed changes:		
97	Dramatic increases in the amount of pollutants allowed in the water. The new permit allows almost four times the amount of mercury, thallium, zinc and boron. Additionally, the new permit allows four times the amount of oil and grease that can be released from outfalls 3 to 10.	<p>The effluent concentration limit for mercury, thallium, zinc or boron has not changed at Outfalls 3 to 10. However, the mass has changed as a result of new estimates of the potential flows from these outfalls. The flows from these outfalls are totally dependent on rainfall and the new estimates were based on the US EPA SWMM model for the 10-year 24-hour storm event, assuming approximately 6.04 inches of rain. This is new information, not available when previous permit was adopted.</p> <p>Historically, flows from these outfalls have not approached the maximum flows estimated.</p>	None
98	The elimination of monthly average limits for pollutants.	No monthly average limits for pollutants have been eliminated. Treated groundwater discharges were the only discharges that had monthly average limits and they continue to be applicable to those discharges (Outfalls 019 and 020).	None
99	The elimination of all monitoring and pollution limits from outfalls 12, 13 and 14.	Outfalls 12-14 were initially established to monitor wastewater generated during the rocket engine test operations. Those operations were terminated in 2006. Subsequently, the discharger was requested to monitor these locations for stormwater. In the previous permit, these locations did not have effluent limits but benchmarks, which are not	None

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		<p>enforceable limits, but triggers for additional action.</p> <p>The current practice is to collect stormwater from Outfalls 12 and 13, and transport the collected stormwater to the Silvernale Pond for treatment prior to discharge. By so doing, the stormwater generated at these locations receive advanced treatment prior to discharge.</p> <p>Outfall 014 was the former location of the Advanced Propulsion Test Facility (APTF). The facility has been removed and the area is currently green space. There is a small berm surrounding the area which keeps stormwater runoff in the former footprint of the site. Routinely, the stormwater is allowed to evaporate or infiltrate in the area. In instances where the rainfall exceeds the storage capacity; the plan is to pump it into baker tanks stored onsite and either take it to one of the onsite stormwater treatment systems or ship it off site for disposal.</p>	
100	The elimination of acute toxicity limits in the permit	<p>The acute toxicity limit has been replaced with a more sensitive chronic toxicity limit.</p> <p>The Discharger has monitored acute toxicity for a number of years and the monitoring has not yielded exceedances of the limit. More recently, US EPA has recommended the use of a chronic toxicity limit using the Test of Significant Toxicity (TST) method.</p> <p>The acute toxicity method only provides information on lethality. The chronic toxicity method provides an assessment of mortality, reproduction, and</p>	None

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		growth. Tests have demonstrated that a chemical at a low concentration can have chronic effects but no acute effects. Based on this information, the Regional Board included chronic toxicity testing using the TST method in lieu of the acute toxicity limit.	
101	The increase in time of the permit which gives Boeing roughly 50% more time than before. I do not want Boeing to pollute our community for a longer period of time without being held accountable.	The length of time that an NPDES permit can be effective is specified in 40 CFR §122.46. That section specifies that the permit is effective for five years. The previous permit (Order No. R4-2010-0090) was a modification of a prior permit (Order No. R4-2009-0058. Hence, the term of Order No. R4-2010-0090 was less than the five years specified in the regulation. This Order is a new permit and thus includes the full five year term specified in the regulation.	None
Ms. Caroline Aslanian – Email dated January 9, 2015			
102	I am very concerned about the contamination at the Santa Susana Field Lab. I am writing to express my opposition to the draft of the new permit for Boeing. Even though the 2010 permit is already too weak, Boeing has violated it numerous times and is being fined so minimally the water remains contaminated.	Comment noted.	None
103	We need more stringent laws to protect public health not relax them even more.	The NPDES permit as proposed implements the current regulations. It is more stringent than the current permit as: 1. All numeric concentration based effluent limits are at least as stringent as the current limits. 2. Includes more stringent concentration limits for a number of constituents (See attached limits comparison table), and 3. Includes more stringent chronic toxicity limit.	None

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104	<p>Is it true that the Regional Water board is headed by Charlie Stringer who works for Renewable Resources that is employed by Boeing?</p> <p>In the scientific community, that is called biased interest. Even if all guidelines state unbiased action, as humans, it is almost impossible to expect that from someone unless you truly employ someone who has no financial or emotional ties to big corporate interest. Mr. Stringer is in position of influence and that poses a huge conflict of interest climate.</p>	<p>See response to comment 89. As previously noted, Mr. Stringer has not and will not participate in the Board's consideration of this permit as he has recused himself from participating in any matters before the Board that involve Boeing.</p> <p>It is important to note that the Regional Board is not "headed" by Mr. Stringer. Mr. Stringer is one member of a 7-member board. Although Mr. Stringer is currently Chair of the Regional Board, the powers of a regional water board chair are constrained by the general principle that the powers and duties of regional water boards can only be exercised by a quorum of the board at a properly noticed meeting; individual members do not have authority to bind or speak for the board except pursuant to a formal authorization, such as a delegation of authority from the regional water board or pursuant to the State Water Board's regulations on meeting procedures. Notwithstanding the chair's additional responsibilities (such as presiding over meetings of the board, working with the executive officer in overseeing day-to-day functions of the board, and allocating time for agenda items), all members have equal rights, privileges, and obligations, including the right to make motions and vote.</p>	None.
105	<p>Please do the right thing by revising the draft permit and restoring public confidence in your agency. The public deserves water that isn't contaminated.</p>	<p>A critical look at the permit demonstrates the agency's commitment to protect the water quality, human health, and ecological receptors. As stated in response to comment 103 above, the tentative permit is more stringent than Order No. R4-2010-0090..</p>	None

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Ms. Christine Peterson – Email dated January 8, 2015			
106	I am writing to express my concern and opposition to the draft of the new permit for Boeing.	Comment noted	None
107	The permit includes less stringent standards for water pollutants from SSFL, and this is unacceptable because it puts at risk the health of my family members among thousands of other residents in the neighboring communities.	The permit does not include less stringent concentration limits for any of the constituents. See response to comment 72, 73, and 88.	None
108	<p>Considering that the new permit would allow three or four times the total amount of many pollutants, such as mercury, thallium, zinc, and boron, and oil and grease allowed to come from many of the outfalls at the site, this situation would pose a serious threat to public health. These substances threaten the physical and neurological health of my family members and countless other individuals. It is imperative that you enforce the most stringent requirements against the release of these toxins into the public. One should decrease, not increase the total amounts of pollutants allowed from these outfalls.</p> <p>If you choose to act to protect the public from harm, I trust that you will preserve the monthly average limits for pollutants, the monitoring and pollution limits from outfalls 12, 13, and 14, and the acute toxicity limits. However, the tentative permit does the opposite--eliminating monthly average limits, and getting rid of all requirements for outfalls 12,13, and 14, as well as eliminating acute toxicity limits. I oppose such steps.</p>	<p>The permit includes concentration limits for the pollutants listed that are the same as the limits included in the previous permit or more stringent than the limits included in the previous permit. This permit, however, incorporates updates to the projected flows from the watersheds. As such, the mass that can be discharged has increased. The flows are based on analysis of projected stormwater flows generated by the SWMM model, which is routinely used by US EPA to predict stormwater flows. The data used in the permit is reflective of the 10-year 24-hour storm from the Ventura County Hydrology Manual which predicts a rainfall of 6.04 inches. This Region does not routinely get storms of this size consequently, we would expect that the mass discharged would be less. However, the permit is to cover a scenario that may occur during a ten year period.</p> <p>In some cases, the permit does decrease the amount of pollutants that can be discharged. The effluent limit concentrations of copper and nickel at Outfalls 3-10 have decreased from 100 micrograms/liter (µg/L) for nickel to 86 µg/L. The</p>	None

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		<p>concentration for copper has decreased from 14 µg/L to 13 µg/L. The permit also includes new limits for cadmium (4.4 µg/L) and zinc (120 µg/L) at Outfalls 3-10.</p> <p>Monthly average limits have been included for discharges that occur from the GWTS (Outfalls 19 and 20). These discharges will routinely occur during a number of days in a month hence, monthly average limits are appropriate.</p> <p>Storm events in the region occur infrequently. Hence, discharges associated with stormwater discharges occur for short durations and infrequently. Therefore, the Regional Board routinely regulates these discharges with daily maximum limits only. This is not new and has been implemented in Boeing permits as well as all other individual stormwater only permits for some time.</p> <p>The current practice is to collect stormwater from Outfalls 12 and 13, and transport the collected stormwater to the Silvernale Pond for treatment prior to discharge. By so doing the stormwater generated at these locations receive advanced treatment prior to discharge.</p> <p>Outfall 014 was the former location of the Advanced Propulsion Test Facility (APTF). The facility has been removed and the area is currently green space. There is a small berm surrounding the area which keeps stormwater runoff in the former footprint of the site. Routinely, the stormwater is</p>	None

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		<p>allowed to evaporate or infiltrate in the area. In instances where the rainfall exceeds the storage capacity the plan is to pump it into baker tanks stored onsite and either take it to one of the onsite treatment system or ship it off site for disposal.</p> <p>The acute toxicity limit has been replaced with a more stringent chronic toxicity limit. The proposed permit also implements the TST method to evaluate toxicity. This method is more sensitive and will provide information regarding potential effects of the discharge on mortality, reproduction and growth rates of the targeted receptors.</p>	None
109	Additionally, I trust that you will choose to tighten, rather than loosen, the period of the permit. Instead, you propose that the new permit last until six years after the expiration of the prior permit, rather than the current four-year permit period.	<p>40 Code of Federal Regulations § 122.46 states that (a) NPDES permits shall be effective for a fixed term not to exceed 5 years. (b) Except as provided in § 122.6, ...”</p> <p>Since the program administered by the State of California complies with the requirements set forth for United States Environmental Protection Agency the permit includes an expiration date that is five years from the effective date.</p>	None
Ms. Margery Brown – Email dated January 9, 2015			
110	I am extremely concerned about the draft of the new Boeing permit. It is terribly upsetting to realize that Boeing has violated its current permit numerous times, as received only small, wrist slapping, fines, and is nevertheless, now contacting the Water Board to ask to have its limits relaxed even further. Unbelievable!	Comment noted.	None
111	But, in spite of the above, Boeing has the incredible temerity to approach the Water Board	The monthly average limits for discharges from the GETS that were included in the previous permit	None

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	for approval of even weaker limit on the Water Board for approval of even weaker limits on it's permit such as the <ul style="list-style-type: none">• Elimination of monthly average limits for pollution	(Order No. R4-2010-0090) are included in this Order.	
112	<ul style="list-style-type: none">• Elimination of all monitors and pollution limits from Outfall #12, 13, and 14.	As stated in response to comment 69 stormwater collected at Outfalls 12 and 13 is transported to Silvernale Pond for storage and treatment by the stormwater treatment units prior to discharge. Stormwater at the former location of APTF/Outfall 14 is allowed to evaporate or infiltrate in the foot print of the former facility. If the accumulated stormwater exceeds the storage capacity, it is pumped to Baker Tanks and then treated at one of the lower stormwater treatment units or taken offsite for disposal.	None
113	<ul style="list-style-type: none">• Elimination of Acute toxicity Limits	<p>The Regional Board removed the limits for acute toxicity as the discharge has not demonstrated reasonable potential to exceed the criteria. In fact, a robust data base has not resulted in one exceedance of acute toxicity.</p> <p>More recent information indicates that the evaluation of chronic toxicity using the TST approach is a more sensitive test. The test for acute toxicity only addresses mortality. The chronic test addresses mortality along with changes in reproduction, and growth. Recent tests also indicate that pollutants at lower concentrations will exhibit chronic responses prior to yielding acute responses. Therefore, the Board included the chronic toxicity test using the TST method.</p>	None
114	The proposed new limits would allow almost 4	The effluent limit concentrations included in the	None

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	times the current permitted amount of mercury, thallium, boron, oil and grease.	permit are the same as those included in the previous permit. The mass permitted for discharge has been updated to reflect new estimates of the flow that will be generated from the various watersheds (Outfalls 3 – 10). The estimated flows are based on the US EPA SWMM model used to estimate the runoff quality and quantity. This model was used to determine the 10-year 24 hour storm from the Ventura County Hydrology Manual flow generated by a 6.04 inch storm. The flow estimated for each watershed was used to calculate the mass that would be generated by the 6.04 inch storm. The flow data generated by the model is new information.	
115	And now, the fact that Mr. Charlie Stringer is the head of the Water board, must certainly be stiffening Boeing's backbone... or the thumb to its nose. While, Mr. Stringer, with his past involvement in a Boeing Corporation, may be recusing himself from this current matter, he is still generally present in person and in an undoubtedly Boeing favored, detectable spirit. This is much too close to being an obvious conflict of interests to be anything but completely unacceptable.	<p>See response to comment 89 As previously noted, Mr. Stringer has not and will not participate in the Board's consideration of this permit as he has recused himself from participating in any matters before the Board that involve Boeing.</p> <p>It is important to note that Mr. Stringer is not the "head" of the Regional Board. Mr. Stringer is one member of a 7-member board. Although Mr. Stringer is currently Chair of the Regional Board, the Chair does not have any more power or authority than any other Board members.</p>	None
116	However, the bottom line still is the fact that, given its past deplorable record, that Boeing would even propose such an unacceptably weak permit, considering that they have already demonstrated their lack of caring for potential victim in the surrounding communities.	The permit was not proposed by Boeing. Regional Board staff drafted a tentative permit based on a consideration of applicable regulations, plans, and policies, as well as any new information available about the site. That tentative permit is released for public review and comment and ultimately adopted by the Regional Board after a notice hearing. The	None

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		Regional Board believes the permit to be as stringent as the previous permit and in some respects even more so. Attached to this Response to Comments is a Limits Comparison Table that addresses the concentration-based effluent limits included in each permit. You will note that in no case was a concentration limit increased in the permit. You will also note that in several cases, the limits included in the permit are more stringent than those included in the Order No. R4-2010-0090.	
117	Please throw this unethical proposed draft permit in the trash, where it belongs!	Comment noted.	None
Mr. Isaac Levy – Email dated January 8, 2015			
118	Boeing is requesting that they are allowed to pollute with almost four times the amount of zinc, mercury, thallium and boron. Additionally, Boeing wants to eliminate all monitoring and pollution limits from outfalls 12, 13, 14.	See response to comments 69, 72, and 73,	None
119	I believe that they also want to eliminate monthly average limits for pollutants.	See response to comment 70.	None
120	It is my understanding that the Regional Water Board is headed by Charlie Stringer, a Principal in a firm that was commissioned by Boeing to work towards reducing cleanup standards. If this is not an example of a conflict of interest, what is?	<p>See response to comment 89. As previously noted, Mr. Stringer has not and will not participate in the Board's consideration of this permit as he has recused himself from participating in any matters before the Board that involve Boeing.</p> <p>It is important to note that the Regional Board is not "headed" by Mr. Stringer. Mr. Stringer is one member of a 7-member board. Although Mr. Stringer is currently Chair of the Regional Board, the Chair does not have any more power or authority than any other Board members.</p>	

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121	Needless to say, I trust that you will treat the requirement for clean water in my community the same as you would for the area where you and your family live. Please refuse to issues [sic] a permit that allows Boeing to further pollute the area where I live and endanger the lives of residents of Simi Valley and any surrounding areas.	<p>The permit considered by the Board meets all legal requirements and is generally more stringent than the previous permit. Where allowed, the Regional Board has used its discretion and best professional judgment to:</p> <ol style="list-style-type: none">1. Include concentration limits that are in all instances as stringent as those included in the 2010 permit and in some cases more stringent (See attached limits comparison tables.)2. Include limits for chemicals identified during the Resource Conservation Recovery Act (RCRA) assessment and cleanup that is ongoing with DTSC oversight.3. Keep limits in the permit for constituents that have not demonstrated statistical reasonable potential but have been detected at elevated concentrations during the RCRA assessment in soil or in groundwater.4. Establish a more sensitive test for toxicity that evaluates not only mortality but changes in growth and reproduction to the tested organisms.5. Work with both DTSC and Fish and Wildlife to ensure that permitted discharges do not create an environment where invasive species may take residence and thus harm the environment we are trying to protect.	None
Mr. William Preston Bowling, Aerospace Contamination Museum of Education – Email dated January 8, 2015			
122	The above map shows the red dots to be radiological impacts in wells that are above the MCL and a closer look is needed in the	The NPDES permit is focused on discharges of stormwater runoff from the Santa Susana Field Laboratory. In the vicinity of Outfall 009, a	None

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	<p>placement of Outfall 009 as the Northern Buffer Zone (NBZ) of the Santa Susana Field Laboratory (SSFL) was created as a result of offsite contamination.</p> <p>The watershed of the drains below Outfall 009 into the American Jewish University's Brandeis-Bardin Campus where children are coming in contact with stormwater runoff that percolates into these monitoring wells aquifers.</p>	<p>significant amount of stormwater that traverses that drainage is run-on to the Santa Susana Field Laboratory property from Sage Ranch. Monitoring of the discharge at Outfall 009 will detect pollutants present in the stormwater runoff from the area. Monitoring data since 2010 has not resulted in detectable quantities of any of the radionuclides targeted in the current order.</p> <p>The groundwater investigation and cleanup is ongoing with DTSC oversight. Representatives from DTSC can provide the best available information available regarding the concentrations of contaminants in groundwater.</p>	
123	Boeing has violated their 2010 permit numerous times and the water remains contaminated. Instead of creating more stringent permit requirements to protect public health, the Board is now proposing to relax them even more. This is not a protection of Human Health and the Environment.	Since 2010 Boeing has been cited for 44 violations of the NPDES permit. The tentative permit is as stringent as the current permit and in many cases it is more stringent. See response to comment 103 and 121 above.	None
124	The RWQCB should be concerned about the allegations in the below document ... http://acmela.org/images/SSFL_DTSC_insider_Job_by_Lisa_Tucker_Cover_photo_by_William_Preston_Bowling.pdf	Comment noted. As stated in the comment, these are allegations and not proven fact.	None
125	Regional Water Board is headed by Charlie Stringer, a Principal in a firm employed by Boeing to push for reduced cleanup standards on the site, essentially pushing for less public protection. Mr. Stringer is in a position of influence even when not present at meetings which creates a conflict of interest.	<p>See response to comment 89. As previously noted, Mr. Stringer has not and will not participate in the Board's consideration of this permit as he has recused himself from participating in any matters before the Board that involve Boeing.</p> <p>It is important to note that the Regional Board is not</p>	None.

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		“headed” by Mr. Stringer. Mr. Stringer is one member of a 7-member board. Although Mr. Stringer is currently Chair of the Regional Board, the Chair does not have any more power or authority than any other Board members.	
Ms. Bonnie Klea – Email dated January 8, 2015			
126	I oppose the draft permit especially the use of AVERAGING, elimination of pollution and monitoring limits and eliminating acute toxicity limits.	<p>The Regional Board has not proposed the use of AVERAGING. Staff has heard this term referenced when discussing the cleanup and assessments of whether the cleanup is complete in certain areas. It is not a term routinely used describe any of the activities associated with the NPDES permit.</p> <p>There has been no elimination of any effluent limits. Outfalls 12 -14 are no longer used. Outfall 14 is the former location of APTF. That test stand has been demolished and the area is currently green space. Stormwater that collects in the area is retained in the footprint of the former facility and allowed to evaporate or infiltrate. In instances when the volume accumulated exceeds the storage capacity the collected stormwater runoff will be pumped into a Baker Tank and subsequently either transported to one of two stormwater treatment systems (SWTS) onsite or shipped offsite for disposal.</p> <p>Stormwater runoff from Outfalls 012 and 13 is collected and pumped over to the Silvernale Pond. There the collected stormwater receives advanced treatment at the SWTS prior to discharge.</p> <p>The Regional Board has included a chronic toxicity limit in this permit instead of the acute toxicity limit</p>	None

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		included in the previous permit. The chronic toxicity test is more sensitive targeting mortality, changes in growth and reproduction in the targeted sensitive receptors. This coupled with recent information that indicates that pollutants at lower levels demonstrate chronic effects when no acute effects are evident, provided the basis for the change to a chronic toxicity limitation with monitoring using the TST approach.	
127	Charlie Stringer as head of RQWB [sic] poses a threat to our community because of a giant conflict of interest as a worker for a Boeing owned company working to lessen the cleanup of SSFL. Even if he recuses himself he could have an awful influence which would be of great harm to our community.	See response to comment 89. As previously noted, Mr. Stringer has not and will not participate in the Board's consideration of this permit as he has recused himself from participating in any matters before the Board that involve Boeing. It is important to note that Mr. Stringer is not "head" of the Regional Board. Mr. Stringer is one member of a 7-member board. Although Mr. Stringer is currently Chair of the Regional Board, the Chair does not have any more power or authority than any other Board members.	None
128	Why give Boeing the green light to further harm our community? The 2010 permit was already weak. Please revise your draft permit.	Comment noted. See response to comment 105.	None
Ms. Deena Parry – Email dated January 8, 2015			
129	It is important that that the water levels not be changed for allowable limits of contamination that are currently still coming out of the SSFL site.	The changes in the permitted mass discharges are associated with more accurate calculations of the probable flows from the site. These new flows are based on the implementation of the SWMM model estimate the stormwater flow from the watersheds. The model was used to estimate flows for the 10-year, 24-hour storm, which is approximately 6.04 inches as per the Ventura County Watershed	None

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		Protection District Design Hydrology Manual, 2010. The new flow data is information that was not available during the consideration of the previous permit.	
130	I have seen no public announcement in any of our local papers or on our public sign boards notifying community members of this decision that Board will be making.	<p>See response to comments 65 and 66.</p> <p>Regional Board staff verbally announced the pending release of the tentative permit for public comment and the California Department of Toxic Substances Control (DTSC) Open House held on November 13, 2014 and at the Community Action Group (CAG) Meeting held on November 19, 2014. Regional Board staff also announced the pending release of the document on October 15, 2014 during a presentation to the Woodland Hills Warner Center and Canoga Park Neighborhood Council Town Hall Meeting that was held at Canoga Park High School.</p> <p>An email with the tentative permit requirements, as well as other information, was sent to the Discharger and the list of interested parties that we have on December 4, 2014. In addition, notice of the Regional Board's proposed reissuance of the permit, the written comment deadline, and scheduled hearing date was posted in the Ventura County Star newspaper on December 8, 2014 and December 17, 2014. Boeing also posted a notice on</p>	None

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#	Comment Summary	Response	Action Taken
		the fence to the entrance of SSFL. All of these mechanisms serve as public notices.	
131	If you have publicly announced this, I would like to know where and when it has been published?	Please see response to comments 65, 66, and 130.	None
Ms. Cindi Gortner – Email dated January 9, 2015			
132	The permit weakens standards for water pollutants from SSFL and since there is a long history of violations by Boeing, I would expect the Regional Board to substantially strengthen the pollution permit for this site, rather than proposing to weaken it.	The permit continues to hold the Discharger to a very high standard with regard to the limits included in the NPDES permit. The concentration limits are either the same or more stringent in the permit versus the prior permit. In some cases, the effluent concentrations have decreased. The mass permitted has changed as the estimated flow from a number of outfalls have changed. This is the result of the use of a new model to estimate the flow from the areas where the runoff is generated. A thorough analysis of this issue appears in response to comments 72, 85, and 108..	None
133	In the past few years there have been over 200 times Boeing has violated the old permit and let water that a health hazard flow into our community.	The Regional Board disagrees with this assertion. The permit includes data from 2010 through 2014. During that time, Boeing has been fined for 44 violations. These violations exceed permit limits but in some cases are violations of limits more strict than what is required in your drinking water. For example, the permit limit for dioxins (TCDD equivalents) is 2.8×10^{-8} (0.00000028) micrograms/liter. This limit is 1000 times lower than the limit that is required in drinking water 3×10^{-5} (0.00003) micrograms/liter.	None
134	Consider that the new permit would allow three or	See response to comment 72 and 73 above.	None

Response to Comments

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	four times the total amount of many pollutants, such as mercury, thallium, zinc, and boron, and oil and grease allowed to come from any of the outfall at the site, relaxing the current levels could pose an even more serious threat to public health.		
135	If you choose to act to protect the public from harm, maintain the monthly average limits for pollutants, monitoring and pollution limits for outfalls 12, 13, and 14, and the acute toxicity levels.	See response to comments 68, 69, 70, 100, and 108 above.	None
136	Also, you should reduce the period of the permit instead of allowing it to last until six years after the expiration of the prior permit.	See response to comment 71above.	None